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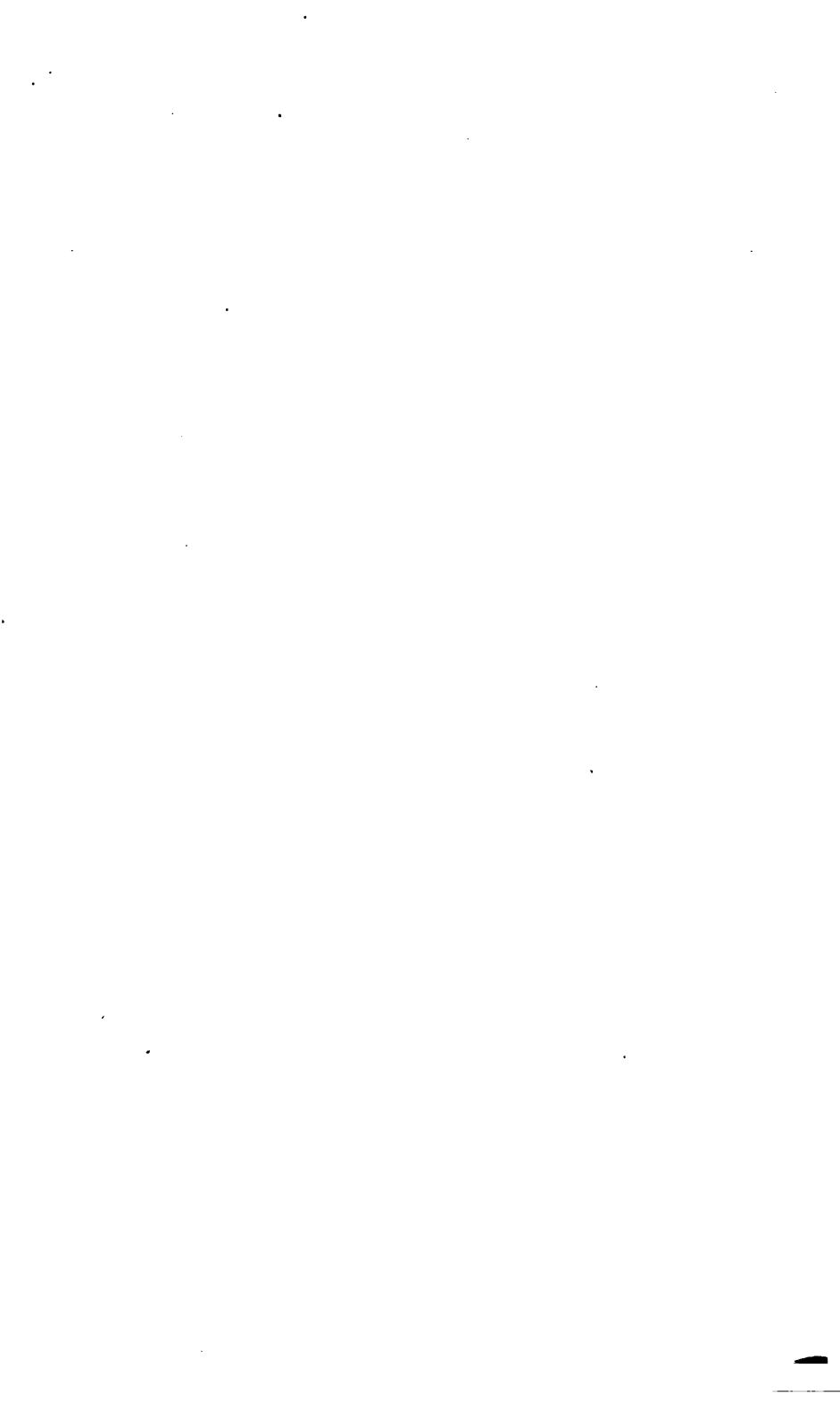
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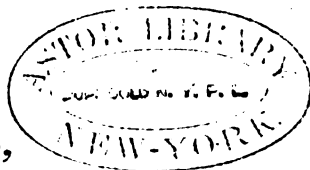




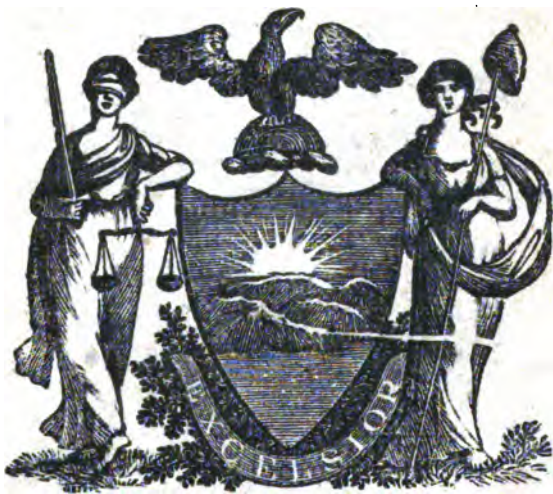
L A W S
OF THE
STATE OF NEW-YORK,

PASSED AT THE
THIRTY-NINTH, FORTIETH AND FORTY-FIRST
SESSIONS

OF THE
LEGISLATURE,



COMMENCING
JANUARY 1816, AND ENDING APRIL 1818.



VOL. IV.

ALBANY:

PRINTED FOR WEBSTERS AND SKINNERS,

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AND SOLD AT THEIR BOOKSTORE, CORNER OF STATE AND PEARL STREETS.

1818.



gft R. H. G. Hall May 15, 1934

LAWS

OF THE

STATE OF NEW-YORK,

PASSED THE THIRTY-NINTH SESSION OF THE LEGISLATURE,
BEGUN AND HELD AT THE CITY OF ALBANY,
JANUARY 30, 1816.

CHAP. I.

AN ACT *for the appointment of a Treasurer of this State.*

Passed February 14, 1816.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That Charles Z. Platt be, and he is hereby appointed Treasurer of this state, to continue in office until the twelfth day of February, in the year of our Lord one thousand eight hundred and seventeen.

CHAP. II.

AN ACT *concerning the corporation for the relief of widows and children of clergymen of the protestant Episcopal church in the state of New-York.*

Passed February 14, 1816.

WHEREAS the corporation for the relief of widows and children of clergymen of the protestant Episcopal church in the state of New-York, by their petition under their common seal, have prayed that such provision may be made respecting them as is hereinafter contained; which petition appears to the Legislature to be reasonable. Therefore,

I. *Be it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the said corporation, to afford such relief as they may think proper, to the widows and children of such clergymen as have removed, or may hereafter remove from this state, after having been contributors to the funds of the said corporation; and may also, in such cases as they may think proper, repay to such clergymen as shall hereafter remove as aforesaid, after having been such contributors, the amount of their contributions, any thing in the act incorporating the said corporation to the contrary notwithstanding.*

II. *And be it further enacted, That it shall be lawful for the said corporation, from time to time, to make such by laws to regulate the manner and amount of such relief, and the manner of making such repayment, as they may find expedient.*

LAWS OF NEW-YORK.

CHAP. III.

AN ACT to alter the name of the town of Schlosser, in the county of Niagara.

Passed February 14, 1816.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That from and after the passing of this act, the town of Schlosser shall be known and distinguished by the name of the town of Niagara.

CHAP. IV.

AN ACT to divide the town of Attica, in the county of Genesee.

Passed February 14, 1816.

Town of Orangeville erected.
I. BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That from and after the passing of this act, all that part of the town of Attica known as townships numbers eight and nine, shall be and the same is hereby erected into a separate town, by the name of Orangeville; and that the first town meeting shall be held at the school house, near the dwelling house of John Grover.

Action.
II. And be it further enacted, That all the remaining part of the said town of Attica shall be and remain a separate town, by the name of Attica; and that the first town meeting shall be held at the place at which the last town meeting of the town of Attica was adjourned.

Poor money and poor divided.
III. And be it further enacted, That as soon as may be after the first Tuesday of April next, the supervisors and overseers of the poor of the towns of Attica and Orangeville aforesaid, shall, by notice to be given by the supervisors of Attica and Orangeville aforesaid, for that purpose, meet together and apportion the poor maintained by said town previous to the division, and also to divide all money which is or may be in the hands of the overseers of the poor, in an equitable manner; and if the supervisors and overseers cannot agree upon such division, then the supervisors of the county, at their next annual meeting, shall apportion the poor and money, belonging to the said town of Attica, between the said towns, and that each town shall forever thereafter maintain its own poor.

CHAP. V.

AN ACT to amend the act, entitled "an act to incorporate the Saint Andrew's Society of the city of Schenectady."

Passed February 14, 1816.

WHEREAS a number of Scotchmen and their descendants, in the city of Schenectady, have associated together for benevolent and charitable purposes, and whose incorporation, by virtue of the

abovementioned act, passed on the seventeenth day of March, in the year one thousand eight hundred and seven, to continue in force for the term of ten years; and they having found the beneficial effects of the said society, in aiding their indigent countrymen, have prayed for an extension of their said charter. Therefore,

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the act to incorporate "The Saint Andrew's Society in the city of Schenectady," passed March the twenty-seventh, in the year one thousand eight hundred and seven, be and remain in full force and effect until the first day of April, in the year one thousand eight hundred and thirty-one.

CHAP. VI.

AN ACT *concerning The Reformed Protestant Dutch Churches in the city of Albany.*

Passed February 14, 1816.

WHEREAS the congregation of the Reformed Protestant Dutch Church in the city of Albany has been divided into two congregations, and the minister, elders and deacons of one of the said congregations have become incorporated under the existing law relative to the incorporation of religious societies, by the name and style of the Second Reformed Protestant Dutch Church in the city of Albany: And whereas the said minister, elders and deacons of the last mentioned congregation, are desirous to obtain all the rights and privileges which are granted by charter, to the minister, elders and deacons of the said Reformed Protestant Dutch Church in the city of Albany. Therefore,

Preamble.

I. Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That the said minister, elders and deacons of the aforesaid second congregation and their successors in office, be, and they are hereby declared a body politic and corporate, by the name and style of "The Minister, Elders and Deacons of the Second Protestant Reformed Dutch Church in the city of Albany," and that they and their successors, by that name and in their corporate capacity, shall have and enjoy the like powers, rights and privileges, and be subject to the like responsibilities, regulations, restrictions, limitations and government, as are granted by and expressed in the original charter to the said minister, elders and deacons of the reformed protestant Dutch Church in the city of Albany, and the several acts of the Legislature confirming or amending the same.

The second church incorporated.

II. And be it further enacted and declared, That all bona fide contracts and conveyances heretofore made by, to and with the said minister, elders and deacons of the said second reformed protestant Dutch Church, in their said corporate name, shall be binding upon the parties, and previous thereto, in like manner as if the same had been made subsequent to the passing of this act; and that the division made between them and the said minister, elders and deacons of the said reformed protestant Dutch Church, of real and personal estate, be and the same is hereby ratified and confirmed.

Former acts confirmed.

Elders and
Deacons.

III. *And be it further enacted*, That each of the aforesaid churches shall have four elders and four deacons, to be elected at the times and in the manner prescribed by the aforesaid charter.

CHAP. VII.

AN ACT to divide the town of Ridgeway, in the county of Genesee.

Pas-ed February 14, 1816.

Town of
Gaines
erected.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That from and after the passing of this act, all that part of the town of Ridgeway, lying east of the division line between the second and third ranges of townships, as surveyed for the Holland land company, shall be, and the same is hereby erected into a separate town, by the name of Gaines; and that the first town meeting shall be held at the dwelling house of Oliver Booth, in said town.

Ridgeway.

II. *And be it further enacted*, That the remaining part of the town of Ridgeway shall be and remain a separate town, by the name of Ridgeway; and that the next town meeting shall be held at the dwelling-house of Eli Moore, in said town.

Poor money
and poor to
be divided.

III. *And be it further enacted*, That as soon as may be, after the first Tuesday of April next, the supervisors and overseers of the poor of the towns of Ridgeway and Gaines aforesaid shall, by notice to be given by the supervisors of the towns of Ridgeway and Gaines aforesaid, for that purpose, meet together, and apportion the poor maintained by said town previous to the division, and also to divide all money which is or may be in the hands of the overseers of the poor, in an equitable manner; and if the supervisors and overseers of the poor cannot agree upon such division, then the supervisors of the county, at their next annual meeting, shall apportion the poor and money belonging to the said town of Ridgeway, between the said towns, and that each town shall thereafter support its own poor.

CHAP. VIII.

AN ACT to confirm the sale of certain common lands made by the Trustees of the village of Lansingburgh.

Passed February 14, 1816.

Preamble.

WHEREAS it appears from the petition of the trustees of the village of Lansingburgh, that Jacob A. Lansing, deceased, Levinus Lansing and Cornelius Lansing, have formerly conveyed to the trustees of the said village and their successors in office, certain common lands adjacent to said village, in trust for the use of the freeholders and inhabitants thereof. *And whereas* it also appears, that in consequence of the said lands being unproductive to the said freeholders and inhabitants in their present state, and the difficulty of making them productive, hereafter, under the tenure by which they are holden: the said freeholders and inhabitants, at a regular meeting

convened for the purpose, unanimously recommended to the said trustees, to sell and reconvey the said lands to the said Levinus Lansing and Cornelius Lansing, and to Derick Lane, Abraham C. Lansing, James Van Schoonhoven and William I. Lansing, heirs and representatives of the said Jacob A. Lansing, deceased, for a valuable consideration, by them offered for the same. *And whereas*, in pursuance of said recommendation, the trustees have made and executed a reconveyance of the said lands to the persons above mentioned, and have petitioned the Legislature to confirm the same. Therefore,

I. *Be it enacted by the people of the State of New-York, represented in Senate and Assembly*, That the said conveyance made by the trustees as aforesaid, for themselves and their successors in office, of all their right, title and interest in and to the said common lands, unto the said Levinus Lansing, Cornelius Lansing, Derick Lane, Abraham C. Lansing, James Van Schoonhoven and William I. Lansing, be and the same is hereby declared to be established and confirmed; and that upon the delivery of the said reconveyance, so made and executed, the fee of the said common lands shall be absolutely vested in the said Levinus Lansing, Cornelius Lansing, Derick Lane, Abraham C. Lansing, James Van Schoonhoven and William I. Lansing, their heirs and assigns forever, as tenants in common, any thing in the conveyances originally made to the said trustees, and their successors in office, to the contrary notwithstanding.

Sale of the common lands confirmed.

II. *And be it further enacted*, That the said trustees shall have power, and are hereby authorised to collect and receive the consideration money agreed to be paid for the said common lands, and that the same shall forever remain a fund for the benefit of the freeholders and inhabitants of the said village; and that it shall be the duty of the said trustees, and of their successors in office, to place and continue the said money at interest, either by vesting it in some productive public or bank stock, or by loaning it to individuals, sufficiently secured by mortgage on real property; and that the interest thereof only, shall be collected and applied by the said trustees and their successors in office, for such purposes and in such manner, as they or a majority of them shall judge proper and most advantageous to the inhabitants of said village.

Consideration money, how to be disposed of.

CHAP. IX.

AN ACT *for the relief of Sarah Trumbull, the wife of John Trumbull.*

Passed February 14, 1816.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That Sarah Trumbull, the wife of John Trumbull, late of the state of Connecticut, now of the city of New-York, be, and she is hereby vested with the same rights in every respect, as to real estate already acquired, or hereafter to be acquired by the said John Trumbull, her husband, in this state, wherewith she would be vested by law if she were a native citizen of this state; the alienage of the said Sarah Trumbull to the contrary thereof in any wise notwithstanding.

LAWS OF NEW-YORK.

CHAP. X.

AN ACT to divide the town of Chautauque, in the county of Chautauque.

Passed February 14, 1816.

Town of
Harmony
erected.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That all that part of the town of Chautauque, bounded as follows—beginning at the south-west corner of the town of Ellicott, on the state line, thence running north on the west line of the town of Ellicott, until it strikes the Chautauque lake; thence bounded by said lake, running north and north-west until it intersects the line between second and third townships; thence bounded on the north by said line, running west, until it intersects the line between the thirteenth and fourteenth ranges of townships; thence bounded on the west by said line, running south until it intersects the state line; thence bounded on the south by the state line, to the place of beginning—shall be and is hereby erected into a separate town, by the name of Harmony; and the first town meeting shall be held at the house of Fletcher and Drury, on the first Tuesday of April next.

Poor money
and poor to
be divided.

II. *And be it further enacted*, That as soon as may be, after the first Tuesday of April next, the supervisors and overseers of the poor of the towns of Harmony and Chautauque shall, by notice to be given for that purpose, by the supervisors of the towns of Harmony and Chautauque, meet together, and apportion the poor maintained by the said town previous to the division, and also to divide all money which is or may be in the hands of the overseers of the poor, in an equitable manner; and if the supervisors and overseers of the poor cannot agree upon such division, then the supervisors of the county, at their next meeting, shall apportion the poor and money belonging to the said town of Chautauque, between the said towns, and that each town shall forever thereafter maintain its own poor.

Town
meetings.

III. *And be it further enacted*, That the annual town meetings in the towns of Harmony and Chautauque, shall hereafter begin the first Tuesday in April in each year.

CHAP. XI.

AN ACT to amend the act, entitled "*an act to incorporate the National Insurance Company in the city of New-York*," passed April 14, 1815.

Passed February 14, 1816.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be lawful for the president and directors of the said company, to regulate the amount and terms of payment for the stock subscribed, or to be subscribed, and the investment thereof. *Provided*, that the same be not inconsistent with the provisions of the eleventh section of the act hereby amended, any thing in the said act to the contrary notwithstanding.

CHAP. XII.

AN ACT to reorganize the town of Junius, in the county of Seneca, and to appoint a place to hold the first town meeting in the said town.

Passed February 14, 1816.

WHEREAS it is represented to the Legislature, that the town of Junius, in the county of Seneca, has for years past holden two annual town meetings and two elections, to the great detriment and inconvenience of the good people of the said town. For remedy whereof,

Be it enacted by the people of the State of New-York, represented in Senate and Assembly, That all that tract of land now known and distinguished by the name of the town of Junius, in the county of Seneca, be a town, and be called by the name of Junius, and shall hold their next annual town meeting at the now dwelling house of Pontius Hooper, in the said town.

CHAP. XIII.

AN ACT relative to the Lansingburgh Academy.

Passed February 20, 1816.

WHEREAS it appears to this Legislature, that the president; directors and company of the bank of Lansingburgh, have consented that the trustees of the Lansingburgh academy may subscribe one thousand shares to the capital stock of said bank, for the benefit of said academy, provided the Legislature will authorise the same. Therefore,

Be it enacted by the people of the State of New-York, represented in Senate and Assembly, That the treasurer of the Lansingburgh academy may subscribe one thousand shares to the capital stock of the bank of Lansingburgh, for and in behalf of the said academy; and the capital stock of said bank is hereby increased to the amount of said shares.

CHAP. XIV.

AN ACT to alter the time of holding the June Term of the Court of Common Pleas in and for the county of Otsego.

Passed February 20, 1816.

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That the court of common pleas in and for the county of Otsego, shall hereafter be holden on the last Tuesday in May, instead of the first Tuesday in June, and may continue to be holden from the commencement thereof until Saturday of the same week inclusive.

CHAP. XV.

AN ACT to incorporate the Troy and Sand Lake Turnpike Company.

Passed February 20, 1816.

Company incorporated.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly,* That Jedediah Tracy, Stephen Warren, John Sampson, Silas Covell, and all such other persons as shall associate for the purpose of making a good and sufficient turnpike road, to begin at or near the house of Lemuel Hawley, in the town of Troy, and extending from thence in the most direct and practicable route, until it intersects the Williamstown and Bath turnpike, at such place as may best accommodate the public, near Sand Lake, in the town of Sand Lake, and their successors, be, and they are hereby created a body corporate and politic, by the name of "the President, Directors and Company of the Troy and Sand Lake Turnpike." And they are hereby ordained and constituted and declared to be a body corporate and politic, in fact and in name, and by that name they and their successors shall and may have continual succession, and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts whatsoever, in all manner of actions, complaints, matters and causes; and by the same name and style, shall be in law capable of purchasing, holding and conveying any estate, real and personal, for the use of the said corporation: *Provided*, that such estate, as well real as personal, so to be purchased and held, shall be necessary to fulfil the end and intent of the said corporation, and for no other purpose whatsoever.

Style, &c.

Stock.

II. *And be it further enacted,* That the stock of the said company shall consist of one thousand shares, of twenty dollars each; and that Jedediah Tracy, Stephen Warren, John Sampson and Silas Covell, be, and they are hereby appointed commissioners to receive subscription for the said stock, in the manner directed in and by the act, entitled "an act relative to turnpike companies," passed the thirteenth day of March, one thousand eight hundred and seven.

Gates to be erected.

III. *And be it further enacted,* That as soon as the road hereby authorised shall be completed, and a license obtained in the manner specified in the act above referred to, it shall be lawful for the said president, directors and company, to cause two gates to be erected, on the same road, and at such places as the person administering the government of this state shall deem necessary, to collect the tolls allowable by this act; and the said company may have and receive for passing the same, tolls not exceeding the rates of toll established for passing the gates authorised to be erected upon the Troy and Schenectady turnpike, by an act, entitled "an act for establishing a turnpike road from opposite the village of Troy to the city of Schenectady."

Toll.

Commissioners to lay out the road.

IV. *And be it further enacted,* That Thomas Hillhouse, Truman Hanks, and John Schuyler, junior, or any two of them, be, and they

are hereby appointed commissioners to survey and lay out the said road, subject to the regulations and restrictions prescribed and contained in the aforesaid act, entitled "an act relative to turnpike companies," and to execute and perform all the duties therein mentioned, as fully as if the said commissioners had been appointed in the manner prescribed by the said act.

V. *And be it further enacted*, That the said president, directors and company hereby incorporated, shall pay and refund to the president, directors and company of the Troy and Schenectady turnpike, the amount of the monies by them heretofore expended, in exploring and surveying a track and route for the said road. And shall have and enjoy all the rights, privileges, powers and immunities, which are given and granted in and by the before recited act, relative to turnpike companies, and shall be subject to all the conditions, provisions, restrictions and regulations, contained in the same, saving and excepting where the same are contrary to the provisions of this act.

Money to be refunded.

Privileges, &c.

CHAP. XVI.

AN ACT to appoint Commissioners to lay out a road from Moscow to Buffalo.

Passed February 20, 1816.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That Josiah Churchill, Parmenio Adams and William A. Carpenter, or any two of them, be, and they are hereby appointed commissioners to lay out a public highway, of the width of four rods, from the village of Moscow, in the county of Genesee, through the village of Attica to the village of Buffalo, in the county of Niagara, on the most eligible route the country will admit.

Commissioners &c.

II. *And be it further enacted*, That the said commissioners, before they enter upon the duties aforesaid, shall take and subscribe an oath before a justice of the peace, to lay out said road without favor or partiality; and they shall, after laying out said road, cause to be made an accurate map of the survey of so much of said road as shall fall within the county of Genesee, and cause the same, with the field notes of the survey, to be filed in the clerk's office of said county, and shall cause to be made a like map of the survey of so much of said road as shall fall within the county of Niagara, and cause the same, with the field notes of the survey, to be filed in the clerk's office of said county; and shall also cause a like map and field notes of so much of said road as shall fall within each town, to be filed in the clerks' offices of such towns respectively; and if the said road shall be laid through any improved lands, the damages shall be appraised and paid, and the road opened an improved in the manner prescribed by the act to regulate highways; and the commissioners and their surveyor shall be allowed each two dollars and fifty cents per day, for each day they shall be necessarily employed in the duties aforesaid, and such reasonable sum for contingent expenses as the supervisors shall direct.

Their duty.

III. *And be it further enacted*, That if in the opinion of said commissioners, it should be expedient to intersect the state road lead-

State road may be intersected.

ing from Pembroke to Buffalo, the said commissioners shall not be required to make a survey beyond the junction of the two roads.

Accounts,
how to be au-
dited & paid.

IV. *And be it further enacted*, That the supervisors of Genesee and Niagara shall audit the accounts of said commissioners, and cause the same to be assessed, collected and paid, as part of the contingent expenses of said counties: *Provided*, that the sum paid by each county shall be in proportion to the time expended in laying out said road in such county.

CHAP. XVII.

AN ACT *further to amend the act, entitled "an act for the assessment and collection of taxes," and for other purposes.*

Passed February 20, 1816.

Lands sold for
taxes, how to
be redeemed.

I. *BE it declared and enacted by the people of the State of New-York, represented in Senate and Assembly*, That two years from and after the day on which the sales of lands for taxes in any one year heretofore made, or to be made, may have closed or shall close, shall be allowed to the owners of any lands sold during any such sales, to redeem the same.

Undivided
shares, how to
be redeemed
from the operation
of sale.

II. *And be it further enacted*, That in every case in which an undivided share of any lot or tract of land, shall have been or may be sold for taxes, it shall and may be lawful, for any person owning a specific part of any such lot or tract, to redeem such part from the operation of the sale, by paying for and redeeming such an undivided portion of the quantity sold, as shall amount to a just proportion for him to redeem and pay, comparing the quantity owned by him, with the whole quantity chargeable at the time of sale; and upon every such payment, the land of every such person shall be as effectually discharged from such sale, as if he had paid the arrears on his said part before the sale.

Of lands sold,
undivided
shares may
be redeemed.

III. *And be it further enacted*, That in every case in which an undivided share of any lot or tract of land, may have been or shall be sold for taxes, it shall be lawful for any person owning any share or portion of the land so sold, or of the land charged at the time of sale, and out of which the sale was or shall be made, and who has paid or shall pay some of, although not all the taxes, for which the land was or may be so sold, to pay his just proportion of the amount due for the tax or taxes so by him left unpaid on the tract out of which the said sale may have been or shall be made, which payment, when so made, shall discharge his land as effectually as if he had paid all the taxes on his said land before the sale; and in every such case, the quantity sold at the sale, shall be lessened in consequence of such payment and redemption, in the proportion which the sum paid for the redemption bears to the whole amount which would then be due for redemption of the land sold.

Lands sold for
taxes but paid
for in the
county, how
to be redeemed.

IV. *And be it further enacted*, That in cases where it shall appear to the comptroller, that the arrears of taxes for which any land shall or may have been sold by him, were paid in the county from which the return was or shall be made, or in case the property

shall appear not to have been legally chargeable, which taxes it shall be lawful for him to debit the county, with the amount which would be required to be paid, for the redemption of the land sold, and to place that amount to the credit of the person who became the purchaser of the land, and to pay the same over to him in the same manner as if the land had been redeemed in the usual way. *And further*, that if it shall appear, that any arrears of taxes, for which lands shall be or may have been sold, were paid into the state treasury prior to the sale, the like credit shall be given and payment be made to the purchaser of the lands sold.

V. *And be it further enacted*, That the thirty-third section of the act for the assessment and collection of taxes, be, and the same is hereby repealed.

Section re
pealed.

VI. *And be it further enacted*, That in all cases where taxes have been authorised by law, for the purpose of opening and improving roads, it shall be lawful for the comptroller, after the expiration of six months from the passing of this act, to draw his warrant on the treasurer, for the payment to the commissioners appointed to superintend the opening and improving of such roads respectively, the amount of such taxes as the same may have been returned to the comptroller's office, or the balances remaining unpaid thereof; and the said road taxes shall, after the expiration of said six months, be chargeable with interest, at and after the rate of fourteen per centum per annum, until paid, or until the land shall be sold therefor; and such land, or so much thereof as shall be necessary to pay said taxes and interest and the legal charges thereon, shall be sold by the comptroller, within two years after the expiration of said six months, after first giving the like notice as is required to be given for the sale of lands in and by the act for the assessment and collection of taxes.

Road taxes,
how to be
paid and
collected.

VII. *And be it further enacted*, That the lands so to be sold for road taxes, shall be chargeable with the expenses of advertising and of sale, and the amount for which the same may be sold, be subject to the like interest after sale, and the land to the like rules of redemption and charges, as in cases of sale under and pursuant to the act for the assessment and collection of taxes, and this act.

Expense of
advertising to
be charged.

VIII. *And be it further enacted*, That in all cases of sale, for road taxes, the comptroller shall give to the purchasers, certificates of their purchases, and not conveyances, until the time of redemption expires.

Certificates
to be given to
purchasers.

IX. *And be it further enacted*, That if at any sales heretofore made, or hereafter to be made for taxes, the lands of any one person shall be sold, not only for the taxes on the lands of such person, but also upon the lands of some other person or persons, every such person whose land may have been or shall be so sold, shall if he redeem the land so sold, as provided by law, be entitled to recover in any court of competent jurisdiction, from such other person or persons, a just proportion of the redemption monies so paid, with legal interest until paid.

When the
land of one
person is sold
for another's
taxes, how to
be compensated.

CHAP. XVIII.

AN ACT *for the relief of the Minister and Trustees of the Methodist Episcopal Church in the town of Whitestown.*

Passed February 20, 1816.

WHEREAS the minister and trustees of the Methodist Episcopal church, in the town of Whitestown, represent, that they now own a lot and meeting house in the said town, situate on the Seneca turnpike road, a little south of the village of Utica, which is not in a convenient situation for the members of said church, and pray that they may be authorised to sell the same, and that the proceeds of the sale shall be reinvested in the erection of a new meeting house, which they are now about to build : Therefore,

I. *Be it enacted by the people of the State of New-York, represented in Senate and Assembly,* That the minister and trustees of the methodist episcopal church in the town of Whitestown, be, and they are hereby authorised, to sell and dispose of the lot on which their meeting house is erected, a little south of the village of Utica, in the town of Whitestown, in fee simple or otherwise; and to execute conveyances therefor, which shall be valid, and transfer to the purchaser thereof, the right, title and interest of the said minister and trustees, in the manner in said conveyances to be expressed.

II. *And be it further enacted,* That the said minister and trustees shall invest the proceeds of such sale, in the building of another meeting house, on a lot which they have purchased in the village of Utica, for that purpose.

CHAP. XIX.

AN ACT *concerning the Dutchess Turnpike Company.*

Passed February 23, 1816.

The company made subject to the act relative to turnpike companies.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly,* That the tenth section of the act to establish the Dutchess turnpike company, passed the 5th day April, 1802, shall be, and the same is hereby repealed; and the said company, and the Dutchess turnpike road, is hereby in all things, and to every intent and purpose, made subject to the provisions of the act concerning turnpike roads, passed the 19th day of April, 1813, as fully and as entirely, and in the same manner, as if at the passing of such act there had been no provision for the inspection of the said road, contained in the law incorporating the said company.

Road to be divided into 5 inspection districts.

II. *And be it further enacted,* That the Dutchess turnpike road shall be divided into five inspection districts, as follows; from the court house in the village of Poughkeepsie to the seventh mile stone on the same road, to be a district, called number one, and to be attached to gate number one; from the said seventh mile stone to the twelfth mile stone to be a district, called number two, and to be at-

tached to gate number two; from the said twelfth mile stone to the seventeenth mile stone, to be a district, called number three, and to be attached to gate number three; from the seventeenth mile stone to the Connecticut line, to be a district, called number four, and to be attached to gate number four; and the branch of the said road leading from the main road to Lawrence Belding's, in the town of Washington, to be a district, called number five, to be attached to gate number five; and when and so often as part only of said road shall be out of repair, the commissioners, or such of them as shall act in the premises, shall in the notice to be given designate with convenient certainty, the place or part of the road not in repair, and the gate or gates belonging to the inspection district or districts wherein such place or part of the said road may be or lie, shall in every such case be held subject to be opened, as is provided for by the act concerning turnpike roads, on the order of the commissioners, and no other gate: *Provided always, and be it further enacted*, that whenever any gate or gates on the said road shall be opened, or ordered to be opened as above mentioned, if the inspection district or districts attached to such gate or gates shall not within thirty days thereafter be put in sufficient repair, and a certificate thereof, under the hand of one of the commissioners, authorising such gate or gates to be shut, shall not within the said thirty days have been obtained, pursuant to the sixteenth section of the aforesaid act, it shall and may be lawful for the said commissioner or commissioners, in his or their discretion, to order any other gate or gates on the said road to be thrown open, and to cause the same to be kept open, and no toll to be received for passing the same, until such inspection district or districts shall be put in sufficient repair, and such certificate as aforesaid shall be duly obtained, and delivered to the person or persons keeping such gate or gates.

Notice how
to be given
when the
road is out
of repair.

III. *And be it further enacted*, That instead of the present times for the election of directors for the said company, and for declaring dividends, the stockholders shall hereafter elect directors on the Wednesday after the second Tuesday in March in every year, and the directors now acting shall be held to be in office until Wednesday the thirteenth day of March next, and until others shall be chosen in their place, and no longer; and the dividends of the said company shall hereafter be made and declared on the second Tuesday in March and September in every year: *Provided however, and be it further enacted*, that in case any future election for directors shall not be held at the time aforesaid, the said company shall not for that reason be deemed to be dissolved, but an election may be held at any future day, according to the rules and by laws of the said company.

Elections,
when to be
made.

CHAP. XX.

AN ACT to authorise the holding of a special Court of General Sessions of the Peace in and for the county of Clinton.

Passed February 26, 1816.

WHEREAS it is represented to the Legislature, that the number of persons sent from the county of Clinton to the gaol of the county

of Essex, and there confined upon criminal charges, is so great as to render their confinement inconvenient and hazardous. Therefore,

Be it enacted by the people of the State of New-York, represented in Senate and Assembly, That a court of general sessions of the peace, shall be holden in and for the county of Clinton, on the third Tuesday of March next, at the house in the town of Plattsburgh, in said county, in which the last court of general sessions was holden for said county, and that the powers of the said court so to be holden shall be equal, and its judgments and proceedings similar, to those of other courts of general sessions of the peace for said county, as now established by law: *And further,* that the jury to serve at said court so to be holden, shall be drawn and summoned in the manner prescribed by law for the drawing and summoning of juries to serve at the courts of general sessions of the peace for said county, as now established by law.

CHAP. XXI.

AN ACT to amend the act, entitled "*an act for the relief of the sufferers on the Niagara frontier,*" passed on the seventeenth day of April, one thousand eight hundred and fifteen.

Passed February 26, 1816.

WHEREAS by the first section of the act hereby amended, it was made the duty of the persons applying for the relief therein mentioned, to make such application to the comptroller previous to the first day of September last past:

And whereas it is represented to this Legislature, that sundry persons intended to have been benefitted and aided by the provisions of the said act, could not make such application previous to the said first day of September last past, and that a large portion of the money borrowed by the comptroller of this state, under the provisions of said act, remains unexpended. Therefore,

Be it enacted by the people of the State of New-York, represented in Senate and Assembly, That the time mentioned in the first section of the act hereby amended, until which the comptroller is allowed to receive the applications for the loans therein mentioned, be, and the same is hereby extended until the first day of September next; and that until the said first day of September next, the said comptroller shall and may receive all applications from the description of persons mentioned and intended in the said act to be relieved, in the manner therein mentioned, and subject to the regulations therein specified.

CHAP. XXII.

AN ACT to erect a part of the counties of Oneida and Onondaga into a separate county, by the name of Oswego.

Passed March 1, 1816.

I. BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That from and after the passing

of this act, all that part of the counties of Oneida and Onondaga, ^{boundaries of the county of Oswego.} included within the following boundaries, to wit; beginning on the shore of Lake Ontario, at the north-west corner of the town of Richland, and running easterly on the division line between the counties of Jefferson and Oneida, to the north-east corner of the town of Redfield; thence southerly along the east line of the town of Redfield, to the north line of the town of Florence; thence westerly on the said line, to the north-east corner of the town of Williamstown; thence southerly on the east line of the towns of Williamstown and Constantia, to the division line between the counties of Oneida and Madison; thence westerly along said line, to the north-east corner of the county of Onondaga; thence westerly along the division line between the counties of Oneida and Onondaga, to the south line of lot number thirty-three, in the town of Lysander; thence westerly on the south line of the said lot and of the lots in the same range, to the west line of the said town; thence north to the south line of the town of Hannibal; thence west to the west line of said town; thence north on the division line between the counties of Onondaga and Cayuga, to the boundary line between the United States and Upper Canada: thence easterly on said boundary line, to the south-west corner of the county of Jefferson; thence easterly on the south line of the county of Jefferson, to the place of beginning; shall be a separate and distinct county of the state of New-York, and shall be known and distinguished by the name of the county of Oswego; and the freeholders and other inhabitants of the county of Oswego shall enjoy all the rights and privileges possessed by the freeholders and inhabitants of the respective counties of the state of New-York, subject however to the limitations and restrictions herein after expressed.

II. *And be it further enacted*, That the part of Lysander included in the county of Oswego shall be annexed to the town of Hannibal, and the supervisors and overseers of the poor of the towns of Lysander and Hannibal shall meet as soon as conveniently may be after the passing of this act, and make an equitable division of the poor funds, and other public property, and of the poor of the town of Lysander, agreeably to the last assessment of real and personal estate in the said town of Lysander.

^{Part of the town of Lysander annexed to Hannibal.}

III. *And be it further enacted*, That the towns of Hannibal, Scriba, New-Haven and Volney shall form one jury district, and be distinguished by the name of the western district; and the towns of Richland, Mexico, Redfield, Williamstown and Constantia shall form one jury district, and be distinguished by the name of the eastern district: And it shall be the duty of the clerk, sheriff and other officers of the county of Oswego, to provide that the freeholders returned to serve as jurors, shall serve as such only in the district wherein they reside.

^{Jury districts.}

IV. *And be it further enacted*, That Parley Keyes, of the county of Jefferson, Ethel Bronson, of the county of Jefferson, and Stephen Bates, of the county of Ontario, shall be commissioners for the purpose of examining and impartially determining the proper sites, in the respective districts in the county of Oswego, for court houses to be erected; and when the said commissioners, or any two of them, having so determined, shall put their determination in writing, with their signa-

^{Commissioners to fix the site of the court houses.}

tures and seals affixed thereto, and cause the same to be filed in the clerk's office of the said county of Oswego, such determination shall be final and conclusive. And the said commissioners shall be entitled to receive four dollars per day for every day they may be necessarily employed in said service, which sum shall be levied, collected and paid, as part of the contingent expenses of the said county of Oswego.

Courts.

V. *And be it further enacted*, That there shall be held, in and for the county of Oswego, a court of common pleas and a court of general sessions of the peace; and there shall be three terms of each of the said courts held in the said county in every year, to commence on the first Tuesdays of February, June and October, which may be held until the next Saturday inclusive; and that the first term of said courts shall be held on the first Tuesday of October, in the year one thousand eight hundred and sixteen, in the western district; and that all future terms of said courts shall be held alternately in the respective districts of the said county.

Where to be held.

VI. *And be it further enacted*, That until further legislative provision is made in the premises, all courts of common pleas and general sessions of the peace, in and for the county of Oswego, shall be held at such places in the respective districts, as the judges of said county shall appoint, as near as conveniently may be to the ailes determined on for court houses by the aforesaid commissioners.

Circuit Court.

VII. *And be it further enacted*, That it shall not be the duty of the justices of the supreme court to hold a circuit once in every year in the county of Oswego, unless in their judgment they shall deem it necessary; any thing in the act, entitled "an act for regulating trials of issues and returning able and sufficient jurors," to the contrary notwithstanding.

The county to be annexed to the 9th district.

VIII. *And be it further enacted*, That for all the purposes of prosecutions for crimes and offences cognizable in the courts of oyer and terminer and gaol delivery and general sessions of the peace, the said county shall be connected with and constitute a part of the ninth district erected in the act, entitled "an act relative to district attorneys," passed April 9th, 1813: And that it shall be lawful for all courts and officers, in the said county of Oswego, in all cases civil and criminal, to confine their prisoners in the gaol of the county of Oneida, or in the gaol of the county of Onondaga, at their discretion, until such time as there shall be a sufficient gaol prepared in the said county of Oswego; and that all accounts for legal and reasonable expenses incurred in confining and keeping such prisoners shall be audited and allowed by the board of supervisors of the said county of Oswego, and shall be levied, collected and paid as part of the contingent charges thereof.

Prisoners, where to be confined.

Supervisor's first meeting.

IX. *And be it further enacted*, That the first meeting of the board of supervisors, for the county of Oswego, shall be held at the house of Calvin Tiffany, in the town of Mexico.

Elections, how to be held.

X. *And be it further enacted*, That until further legislative provision is made in the premises, the electors and inspectors of elections in the respective towns of the county of Oswego, shall proceed as if this act had not passed.

XI. *And be it further enacted*, That it shall be lawful for the freeholders and inhabitants of the several towns in the county of

Oswego, to hold their annual town meetings on the first Tuesday in March, any thing in any former law to the contrary notwithstanding. Town meetings.

CHAP. XXIII.

AN ACT *to fix the site of the Clerk's Office of the County of Warren, and for other purposes.*

Passed March 1, 1816.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That the clerk's office of the county of Warren shall, after the passing of this act, be kept within one half mile of the Lake George Coffee house, in the town of Caldwell, in said county.

II. *And be it further enacted,* That mileage of the sheriff of the said county, for the service of process therein, shall be computed from the aforesaid Lake George Coffee house, and not elsewhere.

CHAP. XXIV.

AN ACT *to authorise Elijah W. Abbott to assume the Christian name of Edward.*

Passed March 1, 1816.

WHEREAS Elijah W. Abbott, of the county of Warren, hath by his petition represented, that several other persons bear the same name with himself, and that great inconveniences have arisen to the petitioner, by reason of mistakes happening by occasion thereof, and praying that he may hereafter be known by the name of Edward W. Abbott. Therefore,

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the passing of this act, Elijah W. Abbott, now of the county of Warren, be known and distinguished by the name of Edward W. Abbott, and no other.

CHAP. XXV.

AN ACT *for the relief of Isaac Cross, and for other purposes.*

Passed March 1, 1816,

WHEREAS Isaac Cross hath presented his petition to the Legislature of this state, setting forth that Magdalen, late his wife, was in her life time seised in fee, and possessed of a certain lot or parcel of land, herein after described : That the said Magdalen, on or about the tenth day of September, in the year of our Lord one thousand eight hundred and fourteen, died seised of the said lot of land, intestate, without issue and without leaving any heirs to whom the said lot of land can descend : That it was the intention of the

Preamble.

the said Magdalen to convey the said lot of land to the said petitioner, but that she was prevented by death from executing that intention ; and praying that the estate which she had in the said lot may be vested in him : And whereas the said petition appears to be reasonable ; Therefore,

Title of the
State to a
certain lot
vested in
Isaac Cross.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That all the right, title, claim, interest and estate, which the people of this state have, in or to a certain lot or parcel of land, situate in the sixth ward of the city of New-York, and known by number four hundred and seventy-two, Pearl street, bounded southerly and by Pearl street, westerly by a house and lot now or late the property of Tobias Hoffman, easterly by land now or late of Matthew Bolmer, and northerly by other land now or late of the said Matthew Bolmer, being twenty-nine feet and six inches wide in front, upon Pearl street, twenty-seven feet and six inches wide in the rear, and one hundred and ten feet and four inches long ; which said lot of land was conveyed to Jacob Heiser, the father of Magdalen, late wife of the said Isaac Cross, by Casper Samler, Catrina Durry and Sarah Maria Lott, by a certain deed indented, bearing date the third day of March, in the year of our Lord one thousand eight hundred and one ; be, and the same is hereby granted to and vested in the said Isaac Cross, his heirs and assigns. *Provided always,* that nothing in this act contained, shall be held or construed to impair, or in any wise to prejudice or affect any equitable or other right or interest which Lucretia Heiser, the widow of the said Jacob Heiser, and mother of the said Magdalen Cross, has or may have in or to the aforesaid premises or any part thereof ; but that the said premises shall be and remain in the hands of the said Isaac Cross, his heirs and assigns, subject to all such equitable or other rights and interests of the said Lucretia Heiser, or her legal representatives, in or to the same, in the same manner and to the same extent, as they were in the hands of the said Magdalen Cross, deceased, previously to her death : And the same rights and remedies in relation to the said premises, may be pursued and enforced by the said Lucretia Heiser, or her legal representatives, against the said Isaac Cross, his heirs or assigns, which she the said Lucretia might have and enforce against the said Magdalen Cross, if she were still living.

Loans to Ni-
gara sufferers

II. *And be it further enacted.* That the bill entitled, "an act to amend the act, entitled "an act for the relief of the sufferers on the Niagara frontier," passed February 26th, 1816, be so amended as to authorise the comptroller to make the loans authorised by the said act, forthwith, any thing in the said act hereby amended to the contrary notwithstanding.

CHAP. XXVI.

AN ACT to change the name of Goldsborough Banyar Le Roy.

Passed March 1, 1816.

WHEREAS Goldsborough Banyar Le Roy hath by his petition represented, that his grand-father, Goldsbrow Banyar, Esquire, late

of the city of Albany, deceased, in and by his last will and testament, devised and bequeathed to him, the residue of the said Goldsborough Banyar's real and personal estate, thereby declaring, that the said Goldsborough Banyar Le Roy, upon the decease of the said Goldsborough Banyar, should assume, and if practicable obtain a legislative act to change the name of the said Goldsborough Banyar Le Roy to the name of Goldsborough Le Roy Banyar; and hath prayed that an act might be passed to effect the testator's intention.

Be it therefore enacted by the People of the State of New-York, represented in Senate and Assembly, That the name of the said Goldsborough Banyar Le Roy shall be, and the same is hereby changed to the name of Goldsborough Le Roy Banyar; by which name he shall from henceforth be called and known, in all cases whatsoever.

CHAP. XXVII.

AN ACT to authorise the building of a Bridge across the Big Chazy River.

Passed March 1, 1816.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for such of the inhabitants of the towns of Champlain and Chazy, in the county of Clinton, as may associate together for that purpose, to erect a bridge across the Big Chazy river, at such place near the mouth of the Corbo river as they may deem most convenient: *Provided,* that the said bridge shall be so constructed, that there shall be left a passage over the deepest part of the river, of the breadth of at least sixty feet between the supports of the bridge, for the passage of boats and rafts; and that the under side of the string pieces, and other timbers of that part of said bridge leading across said passage, shall be at least six feet above the surface of the river at the highest spring freshet in ordinary seasons. *And provided,* it shall be found at any time hereafter, that said bridge shall materially obstruct the navigation of the said river, the judges and assistant justices of the court of common pleas of the county of Clinton, or a majority of them, when in session, may order the said bridge to be removed, or so constructed as not to obstruct the navigation as aforesaid. *And provided also,* that nothing herein contained shall be construed to give a right to lay out roads, leading to or from said bridge, in any manner other than is provided in the act regulating highways.

CHAP. XXVIII.

AN ACT to authorise the Mayor, Aldermen and Commonalty of the city of New-York, to extend Hudson street to the ninth avenue.

Passed March 1, 1816.

WHEREAS the mayor, aldermen and commonalty of the city of New-York have represented, that they are desirous to extend Fremble:

clerk of the town of Verona; and it shall be the duty of the clerk of the town of Verona to receive and record the same.

CHAP. XXXII.

AN ACT for the relief of Charles Harford.

Passed March 1, 1816.

WHEREAS Charles Harford hath, by his petition to the Legislature, set forth, that to secure the payment of three hundred dollars, he, on the seventeenth day of February, one thousand eight hundred and eight, mortgaged to the people of this state, lot number forty-seven, in the subdivision of lot number one, in the short range of townships situate in the town of Gates, in the county of Genesee; that default having been made in the payment of the interest, the mortgaged premises were sold and purchased by the attorney-general for the state: that said mortgaged premises are very valuable, and that said petitioner is ready and willing to pay the interest and costs which have accrued on said mortgage: *And whereas* the prayer of said petitioner appears reasonable: Therefore,

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That if the said Charles Harford, or his assigns, shall, on or before the first day of September next, pay into the treasury of this state, the interest and costs which shall then have accrued upon the aforesaid mortgage, all the right, title and interest, which the people of this state have acquired in and to the aforesaid mortgaged premises, by means of the above recited sale thereof, shall be, and hereby is vested in the said Charles Harford, his heirs and assigns, subject to the aforesaid mortgage, in like manner as if the aforesaid sale had not been made by virtue of said mortgage.

CHAP. XXXIII.

AN ACT for the relief of David Tomlinson.

Passed March 1, 1816.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the title of David Tomlinson, of the city of Schenectady, merchant, to any lands, tenements and hereditaments, or the rents and reversions thereof, in the counties of Montgomery and Saratoga, in this state, conveyed by Edward Campbell, of the same city, to the said David Tomlinson, shall be valid and effectual in the law; any alienation in the grantor, or in those through whom he claims title, to the contrary notwithstanding.

CHAP. XXXIV.

AN ACT to revive the act, entitled "*an act to incorporate the Cambridge Branch Turnpike Company, and for other purposes,*" and to extend the time for completing the road and bridge therein mentioned, and for other purposes.

Passed March 8, 1816.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly,* That the act, entitled "*an act to incorporate the Cambridge Branch turnpike company, and for other purposes,*" passed on the second day of April, in the year one thousand eight hundred and ten, be, and the same is hereby revived from and after the passing of this act, with the same force and effect as if the said act of incorporation was now passed: *And further,* that the president and directors of the said corporation hereby revived, shall have time until the first day of December, one thousand eight hundred and twenty-one, to complete the road and bridge mentioned in the said act; and that it shall be lawful for the president and directors of the said corporation to alter the route of the said road, from the north side of the Hoosick river, so as to intersect the northern turnpike road, at such place and in such manner and direction, as to the president and directors aforesaid shall seem most conducive to public convenience, and shall best promote the object of the said corporation. *And further,* that the directors last elected by the said company, shall continue to be the directors thereof, until others be chosen in their stead, pursuant to the directions of the act relative to turnpike companies.

II. *And be it further enacted,* That the time allowed by law for the completion of the Bowman's creek turnpike road, be, and the same is hereby extended to the first day of October, in the year one thousand eight hundred and twenty-one.

Act revived
and time al-
lowed to com-
plete the road

Bowman's
creek turn-
pike.

CHAP. XXXV.

AN ACT for opening and improving certain streets in the village of Troy.

Passed March 8, 1816.

WHEREAS it appears to the Legislature, that it would greatly promote the convenience of the inhabitants of the village of Troy, to remove the buildings erected on a certain piece of ground in said village, included between River street, Albany street and Second street, and to lay open the said piece of ground as a public highway or street. Therefore,

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly,* That the judges of the supreme court of judicature of this state, or any two of them, upon the application of the trustees of the village of Troy, shall and may appoint three disinterested freeholders, who shall be citizens of this state, to be denominated commissioners of valuation and assessment, for the

Preamble.

Commission-
ers of valua-
tion and as-
sessment ap-
pointed.

Their duties

purpose of performing the duties hereinafter mentioned, which commissioners, before they enter upon the duties assigned to them by this act, shall take and subscribe an oath or affirmation, before the president of the village of Troy, or one of the judges of the court of common pleas of Rensselaer county, faithfully and impartially to perform the trust and duties required of them by this act, which oath shall be filed in the clerk's office of the county of Rensselaer; and it shall be the duty of the said commissioners, after having viewed the ground and buildings thereon mentioned in the preamble of this act, and the lands, tenements and hereditaments in the vicinity thereof, and which in their opinion will be benefitted and increased in value, by removing the buildings from the said piece of ground, and laying the same open for a street or highway, to proceed to ascertain and determine the value of the said piece of ground and the buildings standing thereon, and also the expense of removing the buildings therefrom and levelling the ground; and after ascertaining and determining the value of the said ground and buildings, and the expense of removing the buildings and levelling the ground, the said commissioners shall proceed to make a just and equitable apportionment and assessment of the amount so ascertained, among and upon the owners, lessees, parties and persons respectively entitled unto, or interested in, the lands, tenements, hereditaments and premises, fronting on the ground so to be laid open, or which are so situated in respect to the said ground, as in the opinion of the said commissioners, to be benefitted and increased in value by laying open the said piece of ground for a street or highway, the sum apportioned and assessed upon each of the owners, lessees, parties and persons aforesaid, to be equitably proportioned to the ratio or degree in which his or their property will be benefitted by laying open the said piece of ground for a street or highway; and the said commissioners, after ascertaining and determining the value of the said piece of ground and the buildings thereon, and the expense of removing the said buildings and levelling the ground, and after having also apportioned and assessed the sums so ascertained and determined, among and upon the several owners, lessees, parties and persons respectively entitled unto, or interested in, the respective lands, tenements, hereditaments and premises, which in the opinion of the said commissioners, will be benefitted and increased in value, by laying open the said piece of ground for a street or highway, they shall make a report to the supreme court of judicature of this state, of their doings in the premises, and subscribe the same with their names, in which report the commissioners shall set forth the names of the respective owners, lessees, parties and persons entitled unto, or interested in, the lands and buildings so to be laid open, and each and every part and parcel thereof, as far forth as the same can be ascertained by them, and an apt and sufficient designation or description of the respective lots or parcels of land and other tenements, hereditaments and premises, contained within or situate on the ground so to be laid open for a street or highway, and also the names of the respective owners, lessees, parties and persons entitled unto or interested in the respective lots or parcels of land and other tenements, hereditaments and premises not included within the said piece of ground so to be laid open as a street or highway, but deemed to be benefitted by the same, and so assessed by the said commissioners as aforesaid, and also the several and respective

sums ascertained and determined as and for the compensation and recompense to be made to each of the owners of the fee or inheritance of the lands, tenements, hereditaments and premises, so to be laid open for a street or highway, and also to the respective owners of any lease hold or other interests therein respectively, and also the several and respective sums so as aforesaid to be apportioned and assessed among and upon each of the owners, lessees, parties and persons entitled to or interested in the several lots or parcels of land and other tenements, hereditaments and premises, deemed by the said commissioners to be benefitted and increased in value by laying open the said piece of ground for a street or highway; but in case the owners of any part or parcel of the ground so to be laid open as a street or highway, or the owner of any of the lots, parcels of land or other tenements or hereditaments, which the commissioners may deem to be benefitted and increased in value thereby, or their respective estates and interests are unknown or not fully known to the said commissioners, it shall be sufficient for them to estimate and to set forth and state in their said report, in general terms, the respective sums to be allowed to the person or persons who is unknown, or whose rights and interest in the ground and buildings so to be laid open, are not fully known; and also to assess and set forth and state, in general terms, the sums to be paid by the owners and proprietors generally, and of parties interested in such lands, tenements, hereditaments and premises, for the benefit and increase in value to such owners, proprietors and parties interested in respect of the whole estate and interest of whoever may be entitled unto or interested in the said lands, tenements, hereditaments and premises respectively, in consequence of laying open said piece of ground for a street or highway, without specifying the names or the estates or interests of such owners, proprietors and parties interested, or any or either of them.

II. *And be it further enacted*, That upon the coming in of the said report, signed by the said commissioners, or any two of them, the said court shall, by rule or order, after hearing any matter which may be alleged against the same, either confirm the said report, or refer the same to the same commissioners for revision and correction, or to new commissioners to be appointed by the said court, who shall be freeholders and citizens of this state, to reconsider the subject matter thereof; and the said commissioners, to whom the said report shall be so referred, shall return the same report corrected and revised, or a new report, to be made by them in the premises, to the said court, without unnecessary delay; and the same, on being so returned, shall be confirmed, or again referred by the said court in manner aforesaid, as right and justice shall require; and so, from time to time, until a report shall be made or returned in the premises, which the said court shall confirm; and such report, when so confirmed by the said court, shall be final and conclusive, as well upon the owners, lessees, persons and parties interested in and entitled unto the lands, tenements, hereditaments and premises mentioned in said report, as also upon all other persons whomsoever; and on such final confirmation of such report by the said court, the trustees of the village of Troy shall become and be seised of all the said land, tenements and hereditaments included within the boundaries mentioned in the preamble of this act; and thereupon the said trustees, or any

Report how
to be made.

person acting under their authority, may immediately, or at any time or times thereafter, take possession of the same, or any part thereof, without any suit or proceeding at law for that purpose, in trust, nevertheless, that the same be appropriated and kept open for, or as a part of a public street or highway, as the other public streets in said village are and of right ought to be.

Certain buildings may be sold by the trustees of Troy.

III. *And be it further enacted*, That if any building or buildings shall remain on the said piece of ground so to be laid open for a street, at the time of the final confirmation of the report of commissioners of valuation and assessment, the trustees of the village of Troy shall sell and dispose of the said buildings for the best price that can be got for them, and the sum or sums so raised, shall be paid towards the recompence to be made to the owners of the ground so to be laid open for a street, and such sums shall be deducted in equal proportions from the sums assessed, on the owners of the lots, tenements and hereditaments deemed by the commissioners to be benefitted and increased in value by laying open the said piece of ground for a street or highway.

Certain covenants when to be discharged.

IV. *And be it further enacted*, That all the covenants, contracts and engagements, between landlord and tenant, or any other contracting parties, touching the lands, tenements and hereditaments so to be laid open for a street or highway, shall upon the final confirmation of the report of the commissioners, cease and determine and be absolutely discharged.

A copy of the valuation and assessment to be filed in the county clerk's office.

V. *And be it further enacted*, That the said commissioners of valuation and assessment, to be appointed under and by virtue of this act, after completing their said valuation and assessment, and at least fourteen days before they make their report to the said court, shall deposit a true copy or transcript of such valuation and assessment in the clerk's office in the county of Rensselaer, for the inspection of whomsoever it may concern, and shall give notice by advertisement, to be published in at least two of the public newspapers printed in the village of Troy, of the said deposit thereof in the said office, and of the day on which their report will be presented to the said court; and any person or persons, whose rights may be affected thereby, and who shall object to the same or any part thereof, may within ten days after the first publication of the said notice, state his, her or their objections to the same, in writing, to the said commissioners; and the said commissioners, or such of them as shall make such valuation and assessment, in case any objection shall be made to the same, and stated in writing as aforesaid, shall reconsider their said valuation and assessment, or the part or parts thereof so objected to, and in case the same shall appear to them to require correction, but not otherwise, they shall and may correct the same accordingly.

Value of lands taken for streets, how to be paid.

VI. *And be it further enacted*, That the trustees of the village of Troy shall, within four months after the confirmation of the report of the commissioners in the premises, by the said court, pay to the respective persons, mentioned or referred to in the said report, as owners of or interested in the land, tenements or hereditaments so to be laid open as a street or highway, the sum or sums at which his, her or their title or interest in or to the same, respectively, shall have been valued and determined by the said commissioners; and in case of neglect or default of the payment of the same, within the time afore-

said, the respective person or persons in whose favor the same shall be so reported, his, her or their executors or administrators, at any time or times after application first made, by him, her or them, to the said trustees, for payment thereof, may sue for and recover the same, with lawful interest from and after the said application therefor, and the costs of suit, in any proper form of action against the said trustees, in any court having cognizance thereof, and in which it shall be sufficient to declare generally for so much money due to the plaintiff or plaintiffs therein, by virtue of this act, for premises taken for the purposes herein mentioned; and it shall be lawful for the plaintiff or plaintiffs to give any special matter in evidence under such general declaration; and this act, and the report of the said commissioners, with proof of the right and title of the plaintiff or plaintiffs to the sums demanded, shall be conclusive evidence in such suit or action: *Provided,*

VII. *And be it further enacted,* That if the owners and proprietors of the said lands, tenements or hereditaments, or any part thereof so to be laid open as a street or highway, or the person or persons interested therein, or any or either of them, the said owners, proprietors, person or persons, in whose favor any such sum or sums of money shall be so reported, shall be under the age of twenty-one years, non compos mentis, or feme covert; and also in case the name or names of the owner or owners, person and persons entitled unto or interested in the lands, tenements, hereditaments or premises, so to be laid open as a street or highway, shall not be set forth or mentioned in the said report, or in case the said owners, parties or persons respectively, named in the said report, cannot upon diligent enquiry be found, it shall be lawful for the said trustees to pay the sum or sums of money mentioned in the said report, payable or that would be owing to such owners, proprietors, parties and persons respectively, into the court of chancery, to be secured, disposed of and improved as the said court shall direct; and such payment shall be as valid and effectual as if made to the said owners, proprietors, parties and persons respectively themselves, according to their just rights, if they had been known and had all been present, of full age, discreet and compos mentis.

And provided also, That in case any such sum or sums or compensation so to be reported by the said commissioners in favor of any person or persons, or party or parties, whether named or not named in the said report, shall be paid to any person or persons, or party or parties whomsoever, when the same shall of right belong and ought to have been paid to some other person or persons, party or parties, it shall be lawful for the person or persons, party or parties, to whom the same ought to have been paid, to sue for and recover the same, with lawful interest and costs of suit, as so much money had and received, to his, her and their use, by the person or persons, party or parties respectively, to whom the same shall have been so paid.

VIII. *And be it further enacted,* That the respective sums or assessments so to be assessed and reported by the said commissioners, of value and assessment upon the several owners, lessees, parties and persons entitled to or interested in the several lots, pieces or parcels of land or other tenements, hereditaments and premises, deemed by the said commissioners to be benefitted by laying open the said piece of ground for a street or highway, shall be a lien or charge on the,

In the case of minors, &c.

Remedy in case of paying money to persons not entitled thereto.

The sums assessed to be a lien on the premises,

II. *And be it further enacted*, That the court of common pleas and general sessions of the peace, in and for the county of Niagara, shall hereafter be held on the fourth, instead of the first Tuesday of August, in each and every year; and that the said courts may continue until Saturday of the same week, inclusive.

CHAP. XXXVII.

AN ACT to amend the act, entitled "*an act relative to the improvement of the navigation of Hudson's river.*"

Passed March 3, 1816.

Preamble.

WHEREAS Hugh Boyd hath declined to accept the office of commissioner to superintend the navigation of Hudson's river, between the village of Troy and Coeyman's overslaugh: Therefore,

New commissioners appointed.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That Barnum Whipple, Israel Smith and Allen Brown, of the city of Albany, be, and they are hereby appointed commissioners for the purpose aforesaid, with like powers as were vested by law in the said Hugh Boyd.

They shall give bond.

II. *And be it further enacted*, That the said commissioners, before they enter upon the duties of their office, shall give a bond to the people of this state, with two substantial freeholders as surety, to be approved of by the comptroller, in the penal sum of two thousand dollars, conditioned for the faithful performance of the said duties of commissioners, and to render a true account to the comptroller of all receipts and expenditures of money by them in their said office, on or before the first day of January, yearly, during their continuance in office; which bond, when duly executed, shall be deposited in the comptroller's office.

Funds for improving the navigation—how to be invested.

III. *And be it further enacted*, That the money heretofore granted by the Legislature for improving the aforesaid navigation, which remains unexpended, shall be invested by the comptroller in public stock, or placed at interest on real security to double the amount, exclusive of buildings, in the name of the people of this state, as he shall deem most beneficial; and that the comptroller shall draw his warrant upon the treasurer, from time to time, for the annual income thereof, in favor of the said commissioners, to be appropriated according to the directions of the hereby amended act, and accounted for in the manner herein above directed.

CHAP. XXXVIII.

AN ACT to divide the town of Canadea, in the county of Allegany.

Passed March 3, 1816.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That from and after the day preceding the first Tuesday in April next, all that part of the town of

Caneadea, in the county of Allegany, comprehended and included in township number five, in the second range of townships, and so much of township number four, in the second range, as lies south of the fifth township, so as to divide the town of Caneadea into two equal parts, shall be and hereby is erected into a town, by the name of Rushford : And the first town meeting in the said town shall be held on the first Tuesday of April next, at the house of Levi Benjamin.

Rushford
erected.

II. *And be it further enacted*, That from after the day preceding the first Tuesday in April next, all the remaining part of said town of Caneadea shall be and remain a separate town, by the name of Caneadea ; and that the first town meeting in the said town shall be held at the house of Alexander V. P. Mills, on the first Tuesday of April next.

Caneadea to
remain.

III. *And be it further enacted*, That as soon as may be after the first town meetings in said towns, the supervisors and overseers of the poor of the aforesaid towns shall, by notice previously given for that purpose by the supervisors thereof, meet together and apportion the poor maintained by the said town of Caneadea, and the poor money belonging to the same previous to the division thereof, agreeable to the last tax list, and that each of the aforesaid towns shall forever thereafter maintain its own poor.

Poor money
and poor to
be divided.

CHAP. XXXIX.

AN ACT for the relief of the settlers on the lands belonging to the Stockbridge Indians.

Passed March 22, 1816.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That the first section of the act, entitled "an act relative to the different tribes and nations of Indians within this state," passed the tenth day of April, in the year of our Lord one thousand eight hundred and thirteen ; and also the act, entitled "an act to prevent trespasses on Indian lands within this state," passed the second day of April, one thousand eight hundred and thirteen, be, and the same are hereby suspended in their effect and operation, so far as it regards those persons only, who, on or before the first day of February, in the year of our Lord one thousand eight hundred and fifteen, had settled on any of the lands mentioned in the said recited act and section, by virtue of leases from the Indians of said tribes. *Provided nevertheless*, that no person who is now indicted, shall be entitled to the benefits of this act, until he shall pay or tender to the district attorney of the counties of Oneida and Madison, the legal costs of such indictments.

Certain acts
suspended as
respects cer-
tain persons.

II. *And be it further enacted*, That on the payment of such costs it shall be the duty of said district attorney to enter a noli prosequi on said indictments.

District attor-
ney's duty.

III. *And be it further enacted*, That if in the opinion of the superintendants of said Indians and the attorney of the same, any of said inhabitants are likely to prove injurious to said Indians, by

Persons may
be removed
from Indian
lands in cer-
tain cases.

corrupting their morals, it shall be lawful for said attorney, and a majority of said superintendants, by warrant under their hands and seals, to remove such inhabitants from off said lands.

CHAP. XL.

AN ACT to amend the act, entitled "*an act authorising commissioners to lay out and establish a state road from Van Orman's, in the town of Canandaigua, to Lake Erie, in the county of Niagara,*" passed April 14, 1815.

Passed March 22, 1816.

Commission-
ers appoint-
ed.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That so much of said act as goes to appoint James Ganson, Joseph M'Clure and Ira Selby, commissioners to lay out said road, be and the same is hereby repealed; and that Lemuel Foster, of the county of Genesee, Salmon King, of the county of Genesee, and James Cronk, of the county of Niagara, be and they are hereby appointed commissioners in their stead; and they, or any two of them, are hereby authorised and empowered, after taking and subscribing the necessary oaths of office, to do and perform all the duties enjoined on the said commissioners by the said act, and shall be entitled to the same compensation for their services.

CHAP. XLI.

AN ACT for the relief of Benjamin Ford.

Passed March 22, 1816.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the said Benjamin Ford be and he is hereby released and discharged from the obligation and condition of the bonds executed by him to the people of this state, to secure the purchase money remaining due on lands purchased by him from the state, at auction, in the month of December, one thousand eight hundred and five; situate in township number eleven, old military tract, in the county of Essex; and that the lands for which the said several bonds were given, to secure the purchase money remaining due thereon, shall be alone holden for the payment of the said bonds.

CHAP. XLII.

AN ACT relative to the courts of common pleas and general sessions of the peace for the county of Jefferson.

Passed March 22, 1816.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That there shall be one additional term of the courts of common pleas and general sessions of the peace, in and

for the county of Jefferson; and that instead of the present terms of holding said courts respectively, they shall hereafter be held at the times following, to wit: on the last Monday of December, the second Monday of March and the first Mondays of July and October, in each year; and that such courts may respectively be held and continued until Saturday of the week succeeding the day on which said terms shall commence as aforesaid inclusive, not to take effect until after the next March term of the said courts.

CHAP. XLIII.

AN ACT to incorporate the Greenbush and Nassau turnpike road company.

Passed March 22, 1816.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That Alexander Cummings, George Wheeler, Matthias Birdsall, Daniel Bristol, Ephraim De Witt, Solomon Cane and William Aikin, and all such other persons as shall associate for the purpose of making a good and sufficient turnpike road, to begin at the Hudson river, in the village of Greenbush, thence in the most direct route, as land and circumstances will admit, to the south end of Martin's Lake; thence to intersect the eastern union turnpike road, near Asa Upham's, in the town of Nassau, in the county of Rensselaer, and their successors and assigns, be and they are hereby created, ordained, constituted and appointed a body corporate and politic, in fact and in name, by the name of "The Greenbush and Nassau Turnpike Road Company;" and by that name they and their successors shall and may have continual succession, and shall be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions and complaints, matters and causes whatsoever; and by the same name and style, shall be in law capable of purchasing, holding, and conveying any estate, real or personal, for the use of the said corporation; *Provided*, That such estate, as well real as personal, so to be purchased and held, shall be such only as shall be necessary to fulfil the end and intent of the said corporation.

II. *And be it further enacted*, That the stock of the said company hereby incorporated, shall consist of eight hundred shares, of twenty-five dollars each; and that Alexander Cummings, Daniel Bristol, George Wheeler, junior, Matthias Birdsall and William Aikin, be and they are hereby appointed commissioners to receive subscriptions for the said stock, in the manner directed in and by the act entitled "an act concerning turnpike roads," passed the tenth day of April, one thousand eight hundred and thirteen.

III. *And be it further enacted*, That the said company hereby incorporated, shall not be entitled to erect and maintain more than two gates or turnpikes on the said road, which shall not be less than six miles apart, and shall be entitled to exact and receive, at each of the said gates, for any number of miles, not less than ten in length, of the

said road, the following rates of toll, and so in proportion for a less distance, from all persons travelling and using the said road, that is to say, for every waggon with two horses, twelve and an half cents, and for every additional horse used in such waggon, three cents; for every one horse cart, six cents, and for every additional horse, three cents; for every coach, four wheeled pleasure carriage, or pleasure waggon drawn by two horses, twenty-five cents, and for every additional horse six cents; for every chair or pleasure carriage, with one horse, twelve and an half cents, and for every additional horse six cents; for every cart drawn by two oxen, eight cents, and for every additional yoke three cents; for every saddle or led horse, four cents; for every sled travelling said road from the fifteenth day of December until the fifteenth day of March, in each year, one half of the above tolls demanded for carriages, for the transportation of burthens; for every score of cattle, six cents; for every score of sheep or hogs, three cents; and so in proportion for any greater or less number of cattle, sheep or hogs.

IV. *And be it further enacted*, That the said company hereby incorporated, shall have and enjoy all the rights, privileges, powers and immunities, which are given and granted, in and by the aforesaid act, entitled "an act concerning turnpike roads," and shall be subject to all the conditions, provisions, restrictions and regulations contained in the said act; *Provided*, That the said company shall be allowed five years, from the passing of this act, for completing the said road, any thing in the aforesaid general act to the contrary notwithstanding; *And provided further*, That the chord of the arch of the road hereby authorised to be made, shall not be less than twenty-eight feet.

V. *And be it further enacted*, That Archibald M'Intyre, William M'Gown, Josiah Sherman, or any two of them, be and they are hereby appointed commissioners to lay out and establish the said road.

CHAP. XLIV.

AN ACT to exonerate the Rector, Wardens and Vestrymen of St. John's Church, in Johnstown, from the payment of Quit-Rents on lands therein described.

Passed March 22, 1816.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the farm or land in the town of Florida, in the county of Montgomery, commonly called the Fort Hunter farm, belonging to and in possession of the rector, wardens and vestrymen of St. John's church, in Johnstown, be and the same is hereby discharged and exonerated from the payment of any quit-rent due, or to become due on the same.

CHAP. XLV.

AN ACT concerning the maintenance of certain persons, formerly slaves.

Passed March 22, 1816.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly,* That all persons heretofore manumitted by this state, and formerly the slaves of persons whose estates have been forfeited, and who were slaves at the time of such forfeiture, and who then and since have resided, and still reside in this state, and are unable to support themselves, shall be maintained as paupers by the overseers of the poor of the city or town in which they shall reside, at the expense of this state, and the accounts of the said overseers for such expense, being certified and approved by the mayor of such city, or by the supervisor and justices of the peace of said town, or a majority of them, shall be paid by the treasurer of this state; on the warrant of the comptroller, in favor of such overseers.

Persons who were slaves of those whose estates were forfeited, to be supported by the overseers of the town in which they reside.

II. *And be it further enacted,* That the comptroller audit the accounts of the overseers of the poor of the town of Yonkers, for the support, up to the time of the passing of this act, of two persons, formerly slaves of Frederick Philipse, esquire, whose estate was confiscated; *Provided,* The same accounts be certified and approved in the manner directed by the preceding section; and that the same be paid by the treasurer, notwithstanding the amount of such accounts shall exceed the rate of three dollars per month for each person; *Provided also,* That said persons shall not have gained a legal settlement in said town subsequent to the attainder of the said Frederick Philipse, in pursuance of the act, entitled "an act for the relief and settlement of the poor," passed April 8th, 1813, which fact shall be certified to the comptroller by a majority of the justices of any adjoining town.

Comptroller to pay the overseers of the town of Yonkers for the support of the slaves of F. Philipse

Provided that no settlement has been made since the attainder.

CHAP. XLVI.

AN ACT for the relief of the actual settlers of lands on the Oneida Reservation.

Passed March 22, 1816.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That all the provisions of the act, entitled "an act for the relief of the actual settlers on the north-west part of the Oneida reservation, of the town of Sullivan, in the county of Madison," passed April 18th, 1815, relative to the Lands for the purchase monies, of the lots therein mentioned, shall be and the same are extended to the bonds given on lots number one, located to John Woollaver; lot number two, located to John Schuyler; lot number six, located to Sylvanus Seeber; and lot number seven, located to William Seeber, on the north side of the two mile strip of the Oneida reservation; and lot number one, located to John Van Eps Wimple, west of the said two mile strip, in the same manner and with the like effect as if the lots above mentioned had been particularly mentioned and described in the said act, and subject to the provisos contained therein.

CHAP. XLVII.

AN ACT for equalising the valuations of real estate in the county of Ulster, among the several towns in said county, and for other purposes.

Passed March 22, 1816.

Preamble. WHEREAS by the third section of the act, entitled "an act for the assessment and collection of taxes," passed April 5th, 1813," it is directed that the first valuations of real estates to be made in pursuance of the said act, should not be thereafter varied, except in the cases therein mentioned: *And whereas*, upon the representation of the supervisors of the county of Ulster, it appears the equalization of such valuations among the several towns of the said county, has not been correctly made under the said act, and that the laws passed the last session of the legislature, authorising a new equalization, has not been carried into effect, by reason of its not having been published in time to carry the same into effect.

A new equalization of real estate to take place. I. *BE it therefore enacted by the people of the State of New-York, represented in Senate and Assembly,* That the supervisors of the said county be and hereby are authorised and required to make a new equalization of real estates in said county, under the provisions of the fourth section of the before recited act, from the assessments made and returned under the said act, and that such equalization so to be made by them, shall thereafter be the true aggregate of real estates, among the several towns in the said county :

Preamble. *And whereas*, the said supervisors, in their said petition, have further represented to the Legislature, that they have become the purchasers of certain real estate, bound by a judgment and execution of the people of this state, against Joseph Gasherie, late a loan officer of the said county, recovered for certain defalcations in his said office of loan officer, solely to prevent a sacrifice and loss to the said county, by a sale of the property so bound for less than its value ; and that for this purpose it is desirable that the said supervisors and their successors in office, should be enabled to take and hold and let the said real estate, in trust for the people of this state, until an advantageous sale may be made thereof ; and also to become the purchasers, and to hold and let, sell and convey such other real estate, bound by the said judgment, as still remains unsold :

Supervisors of the county of Ulster incorporated. II. *Be it therefore further enacted,* That for the purposes aforesaid solely, the supervisors of the said county, for the time being, and their successors in office, be and hereby are created a body politic and corporate, by the name of "The Supervisors of the county of Ulster," and by that name they and their successors shall and may have continual succession, and be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all actions and complaints, matters and causes, touching this incorporation; and by the same name and style, shall be in law capable of purchasing, holding, letting and conveying all such real estate as hath been purchased, and is now held by them, or any of them, by virtue of such judgment and execution as aforesaid, or which the said supervisors or their successors in office, may think it

necessary and expedient to purchase in of the estate of the said Joseph Gasherie, by virtue of the said judgment, and subject to the said judgment, in trust nevertheless, and for the sole use of the people of this state, and until a beneficial sale thereof may be effected; and the monies arising from such sale or sales, to pay over into the treasury of the said county, for the use of the people of this state; and upon such payment to be immediately paid over by the said treasurer into the treasury of this state: And the said supervisors and their successors in office, shall be and hereby are declared to be individually liable and accountable for the due and faithful performance and execution of the said trust; and that upon a final settlement of the said judgment and sale of the said real estate, and payment of the avails thereof as aforesaid, the said corporation shall cease and be dissolved; *Provided*, That the said supervisors shall make such sale and settlement within five years from the passing of this act.

To purchase the estate of Joseph Gasherie for the benefit of this state.

To pay over all monies into the treasury of the state.

Provided that sale is made within five years.

CHAP. XLVIII.

AN ACT to incorporate the Hudson Aqueduct Company.

Passed March 22, 1818.

WHEREAS the proprietors of the aqueduct in the city of Hudson, have, by their petition, represented that the laws relative to the said aqueduct, now in force, have been found by experience insufficient for the due regulation and management of the same, and have therefore prayed an act of incorporation, whereby they may be the better enabled to supply the inhabitants of the said city with water: Therefore,

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That Robert Jenkins, William Johnson, Judah Paddock, Ebenezer Comstock and Gayer Gardner and others, their present and future associates, their successors and assigns, be and they are hereby created and declared to be a body corporate and politic, in fact, by the name of "The President and Directors of the Hudson Aqueduct Company;" and by that name may have perpetual succession, and shall in law be capable of suing and being sued, in all courts and places whatsoever, and may have a common seal, with power to alter the same, and by the name and style aforesaid, capable of purchasing and holding such real property as shall be necessary to attain the object of this incorporation; *Provided*, such real estate shall not exceed in value ten thousand dollars.

II. *And be it further enacted*, That all property, real and personal, vested in the Hudson aqueduct company, in virtue of the act incorporating them, or any other act, shall be and hereby is transferred to and vested in the company hereby created; that the capital stock of the said company shall not exceed fourteen thousand dollars, to be divided in four hundred shares, of thirty-five dollars each; that the present stockholders of the Hudson aqueduct company, shall hold two hundred shares of the said capital stock, and shall be credited with the sum of thirty-five dollars upon each share by them respectively held; and the said president and directors may open

Capital divided in 400 shares.

14 days notice
of subscrip-
tion given.

The Hudson
aqueduct
company to
have the right
of subscribing
not exceeding
200 shares.

5 directors to
be elected on
the first Mon-
day in May.

Elections to
be by ballot.

Directors
named.

a book for subscribing the remaining two hundred shares, in such manner as they may direct, giving at least fourteen days notice in the newspapers printed in the city of Hudson, of the time and place of subscription, and continue the same open until the said two hundred shares shall be subscribed, and may direct the payment of the sum of thirty-five dollars on each share subscribed, at such times and in such proportions as they may from time to time order, giving the like notice of such payments: *Provided however*, that the present stockholders of the Hudson aqueduct company shall have the exclusive right and privilege of subscribing for the said two hundred shares, or such part thereof as they may think proper, at any time within six days after the book is open for subscription; *Provided*, that no stockholder shall have the privilege to subscribe for more shares than he now holds, until after the aforesaid six days expire.

III. *And be it further enacted*, That the stock, property, interest and concerns of the said company, shall be managed and conducted by five directors, being stockholders and inhabitants of the said city of Hudson, a majority of whom shall form a board, and who shall hold their office for one year; and the said directors shall be elected on the first Monday in May, in each and every year, excepting the ensuing first Monday in May, at such time and place within the said city as the directors for the time being shall appoint; whereof public notice shall be given by the said directors, in one or more of the public newspapers printed in the said city, or by putting up such public notice in at least four of the most public parts of the said city, at least three weeks immediately preceding the time of holding such election; and the said election shall be held by the said directors, or by such one or more of them as they shall appoint, and shall be made by such of the stockholders as shall attend in their proper persons or by proxy, and each share shall be entitled to one vote; all elections shall be by ballot, and the five persons who shall have the greatest number of votes at any election, shall be the directors: and in case any two or more persons shall at any such election have an equal number of votes, in such manner that a greater number of persons than five shall by a plurality of votes appear to be chosen as directors, then the said stockholders herein before authorised to vote at such elections, shall proceed to ballot a second time, and by plurality of votes determine which of the persons so having an equal number of votes shall be the director or directors, so as to complete the whole number of five; and the said directors, as soon as may be after their election, shall proceed to elect one of their number to be their president; and if any one or more of the said directors shall die, resign, or move from the said city, before the expiration of the year for which he or they shall have been elected, his or their place or places shall be filled by such person or persons as shall be elected for that purpose, by the remainder of the directors or a majority of them. And the first directors of the said company shall be Robert Jenkins, William Johnson, Ju'ah Padlock, Ebenezer Comstock and Gayer Gardner, and shall hold their offices until the first Monday in May, in the year one thousand eight hundred and seventeen; and in case it shall at any time happen that an election of directors should not be made on any day when, pursuant to this act, it ought to have been made, the corporation shall not for

that cause be deemed to be dissolved; but it shall and may be lawful for the directors last chosen to order an election to be held on any other day within three months thereafter, of which public notice shall in like manner be given at least twenty days preceding the time of holding the same.

IV. *And be it further enacted*, That the said directors so to be chosen, shall have power to elect and appoint one discreet person for their clerk and treasurer, and one discreet person for their collector, and such other agents as may be necessary to carry into effect the objects of this incorporation; to make and ordain all such by-laws, ordinances, rules and regulations, relative to the said aqueducts, as they may deem proper and necessary, for the superintendence, regulation and management of the same, and of such as may be added thereto; and for the alteration, preservation and reparation thereof; and relative to all other property, interest and concerns of the said company. And the said president and directors may ordain and prescribe such fines and penalties for the breach or non-performance of any of the said by-laws, as to them shall seem proper, which fines and penalties shall not exceed in any one case the sum of twenty-five dollars; and all fines and penalties which shall exceed the sum of two dollars and fifty cents, may be recovered by the president and directors, in their name, for the use of the said company, by action of debt or information, in any court within the city of Hudson having cognizance thereof; and all fines and penalties, not exceeding the sum of two dollars and fifty cents, shall and may be collected by the collector, in the same manner and by the same process as the collector shall collect the rate or tax on water, as hereafter regulated in the sixth section of this act, for the use of the said company: *Provided*, such by-laws be not contrary to, or inconsistent with the constitution and laws of this state or of the United States.

To make
by-laws

Penalty not
to exceed 25
dollars.

Fines col-
lected.

V. *And be it further enacted*, That it shall and may be lawful for the president and directors of the said company, and their superintendants, artists, workmen and laborers, with carts, waggons and other carriages, with their beasts of draft and burthen, and all necessary tools and implements, to enter upon any lands, streets, lanes, alley, turnpike roads, public ground or highways, in the said city of Hudson, to dig the ground, lay down, alter and repair the said aqueducts, doing as little damage thereunto as possible, and repairing and mending any breaches or other injury they make or commit to such lands, streets, lanes, alley, public grounds, turnpike roads or highways, and to dig up, tear down and remove any trees, bushes or shrubs, the roots of which shall injure the said aqueducts, or obstruct or impede the free passage of the water in and through the same; and it shall be lawful for the president and directors, or their agents, to kill and destroy any tree, shrub or bush, that is planted or found growing on any private ground within forty feet of the aqueducts: *Provided always*, that no public street, lane or highway shall be dug into, or in any wise injured or defaced, without the permission of the common council of the city of Hudson for that purpose first had and obtained: *And provided also*, that damages done on any lands by said company, or their agents, shall be estimated and appraised by three indifferent persons, not being stockholders in the said company, or inhabitants of the said city, under oath or affirm-

To remove
obstacles that
may be in the
way of the
aqueduct.

No public
street to be
dug into with-
out the consent
of the council.

Damages to
be appraised.

ation, to be appointed by a judge of the court of common pleas' not residing in the city of Hudson, on the application of the said president and directors, or the party aggrieved; which damages, when assessed by the said appraisers or any two of them, shall be forthwith paid by the said company, to the owners of such lands; and for the recovery of which, such owner may, after demand and refusal, have his action of debt in any court of competent jurisdiction.

Amount of
tax for the
use of the
water.

If not paid,
collector to
enter com-
plaint.

Levying
the tax.

VI. *And be it further enacted*, That it shall be lawful for the said president and directors to impose on the inhabitants of the city of Hudson, who shall use the water of the aqueducts, such an annual rate or tax as shall produce to the stockholders of the said company an annual dividend of nine per cent. on the money by them actually expended in the making, laying down and repairing the said aqueducts, together with such sums as they may think proper to allow to their collector, clerk and treasurer, agents and superintendants; and if any inhabitants of the said city, using the water of the said aqueduct, shall neglect or refuse to pay such rate or tax as shall be imposed by the president and directors, for the use of the said water, by and for the space of three days after the demand made at his or her dwelling-house or last residence, it shall be the duty of the collector of the company immediately thereafter to enter complaint thereof in writing, to a justice of the peace in the said city of Hudson, who shall issue a warrant under his hand and seal, directed to any constable of said city, and commanding him forthwith to levy and collect the said rate or tax, together with the costs, of the goods and chattels of such person or persons, who shall so neglect or refuse to pay the same, and to return the said warrant within ten days; for which services the justice shall receive twenty-five cents, and the constable shall receive the same fees as are allowed for like services by the act, entitled "an act for the more speedy recovering debts to the value of twenty-five dollars;" provided the said costs shall not exceed two dollars and fifty cents; and it shall be the duty of the said constable to make sale of the said goods and chattels of such delinquent, if any can be found, before the return day of the said warrant, giving three days public notice of the time and place of such sale, and to make return of the said warrant as he shall be therein commanded; in default of which, he shall be deemed liable to pay the said rate or tax and costs, and may be sued for the same by the president and directors, in an action of debt, in any court having cognizance thereof: *And be it further provided*, that after the whole capital stock of the said company that shall be subscribed and expended, in the reparation, alteration or extension of the said aqueducts, it shall and may be lawful for the said president and directors to assess on the inhabitants using the water of the said aqueducts, in addition to the tax or rate before mentioned, and the wages and salaries paid their collector, clerk, agents and superintendants, all and every sum or sums of money annually by them expended, in the reparation alteration or extension of said aqueducts, and collect the same in the manner as is herein before directed.

Officers to
take an oath.

VII. *And be it further enacted*, That the said clerk, treasurer and collector, when chosen in the manner aforesaid, shall respectively, before they enter upon their respective offices, take and subscribe,

before the mayor or the recorder of the said city of Hudson, who are hereby authorised to administer the same, an oath or affirmation, well and faithfully to execute their respective trusts and offices, according to the best of their skill and understanding; which said clerk, treasurer and collector, so elected, chosen and qualified, shall continue in their respective offices until others be duly chosen and qualified in their respective places. And the said president and directors may, by ordinance or by-law, direct the same oath or affirmation to be in like manner administered to any other agent whom they may hereafter constitute and appoint, in pursuance of this act.

VIII. *And be it further enacted*, That the said clerk and treasurer, so to be chosen and qualified as aforesaid, shall, as clerk of said company, keep the minutes of, and record all the votes and elections of the said company, and all the ordinances, by-laws, resolutions, transactions and proceedings of the president and directors, and shall keep a proper book, in which he shall duly enter the names of all the stockholders of the said company, together with their several and respective rights or shares of, in or to the said aqueducts, according to such by-law or rule as the said president and directors shall or may hereafter prescribe and direct for such purpose, and shall also duly enter in the same book every transfer or assignment made, or hereafter to be made, of any right or share of, in or to the same aqueduct, according to such rule or by-law as the said president and directors may hereafter prescribe and direct for such purpose, which entry, so to be made by the said clerk, shall be deemed evidence of such transfer or assignment. And no person shall be considered a stockholder of the said company, after the space of six months from the passing of this act, until the evidence of his right or share shall be entered as aforesaid. And the said clerk and treasurer, as treasurer of the said company, shall keep a book, in which he shall enter all receipts, advances and expenditures, of all sum of money by him received, advanced or paid out, according to the orders and directions of the said president and directors: And the said clerk and treasurer shall likewise do and perform all other duties lawfully committed to him by any law, rule or ordinance, to be made in pursuance to this act by the said president and directors.

Clerk & treasurer to keep the minutes, books, &c.

IX. *And be it further enacted*, That all lawful agreements, votes and proceedings, made, had or done by the proprietors of the said aqueduct, and entered upon their records, concerning the said aqueducts, shall be considered valid and obligatory among the said stockholders, and binding upon all, each and every of them; and all lands and other property, belonging to and owned by the said proprietors, being part of the stock of the said company, shall be, and the same are hereby declared to be, vested in the said president and directors, for the use and benefit of the said company: And all sales, transfers, leases, assignments, deeds, or other conveyances of lands or other property, heretofore made or executed by the proprietors of the said aqueducts, or by the inspectors thereof, in their behalf, or by any other person or persons, as trustees for them, shall be considered, and they are hereby declared to be, as valid and effectual in law as if the same had been made and executed by the said president and directors in pursuance of this act.

All acts of the former aqueduct company valid.

Former sales, &c. valid.

President and
Directors to
be allowed
no compensa-
tion.

X. *And be it further enacted*, That the president and directors, collector, or other officers elected or appointed in manner aforesaid, shall not be liable to be sued or prosecuted, for any act done or committed by him or them, in pursuance of this act, before any justice of the peace residing out of the city of Hudson; and that no president or director of the said company hereafter elected or chosen, shall be allowed any compensation for his services, as president or director of said company.

Certain land
to be taken
on appraisal.

XI. *And whereas* the main or principal spring or fountain belonging to the Hudson aqueduct company, is situated in a rock, and is thought by the people in the neighborhood to be in danger of being let out and destroyed by those who get or quarry stone adjoining to said fountain: Therefore, *be it enacted*, That it shall and may be lawful for the president and directors of the aforesaid aqueduct company, for the security of their fountains they now own or hereafter may own, to take as much land adjoining to the said fountains as they may think proper: *Provided*, they make no use of the said land, excepting only as a security for those fountains; *and provided also*, they pay the full value for the said lands, as it shall be appraised by three reputable men, being freeholders, not residing in the corporation of the city of Hudson, and not proprietors in the said aqueducts, and appointed by a judge of the court of common pleas of the said county, and not residing in the said city, And if any person or persons shall wilfully trespass and do any damage to the springs or fountains, or to the lands that are about or adjoining to the fountains, and appropriated as aforesaid for the protection thereof, or do any act whatever, whereby any of the works of the said company, or any part of such works, or any matter or thing appertaining to the same, shall be injured, the person or persons so offending shall forfeit and pay to the said company treble the amount of the damages, to be recovered by the president and directors of said company, for the use of said company, with costs of suit, by an action of debt, in the supreme court of judicature of this state; which action shall in every instance be considered as transitory in its nature, and shall and may be triable in any county in this state: *Provided nevertheless*, that it shall not be lawful for the said company to deprive any person of the use of any fountain or stream of water to which they were legally entitled before the passing of this act.

Penalty for
injuring the
spring.

Provided that
it does not af-
fect existing
rights.

XII. *And be it further enacted*, That so much of the act, entitled "an act for the better regulating and protecting the aqueducts in the city of Hudson," passed the 9th day of March, 1790, as is inconsistent with the provisions of this act, be, and the same is hereby repealed.

CHAP. XLIX.

AN ACT for the payment by this State of its quota of the direct tax, laid upon the United States by an act of Congress, passed the fifth day of March, one thousand eight hundred and sixteen.

Passed March 25, 1816.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That this state shall and will pay into the treasury of the United States of America, its quota of the direct tax laid upon the United States by the act of Congress, passed the fifth of March, one thousand eight hundred and sixteen, entitled "an act to reduce the amount of direct tax upon the United States and the district of Columbia, for the year one thousand eight hundred and sixteen, and to repeal in part the act, entitled "an act to provide additional revenues for defraying the expenses of government, and maintaining the public credit, by laying a direct tax upon the United States, and to provide for assessing the same," and the act, entitled "an act to provide additional revenue for defraying the expenses of government, and maintaining the public credit, by laying a direct tax upon the district of Columbia." on or before the first day of May next, in pursuance of the provisions of said act; and that it shall be the duty of the Governor of this state, to give notice hereof to the secretary of the treasury of the United States, on or before the first day of April next.

Assuming the
direct tax of
the U. States.

CHAP. L.

AN ACT for the relief of the people of the United Society called Shakers.

Passed March 29, 1816.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the present and future members of the united society called Shakers, shall, from and after the passing of this act, be, and they are hereby exempted from all manner of military services within this state, and from any commutation in lieu thereof in time of peace.

CHAP. LI.

AN ACT for the relief of the Children of the late Robert Edmeston.

Passed March 29, 1816.

WHEREAS Robert Edmeston, late of the kingdom of Great-Britain, on the seventh day of June, one thousand seven hundred and eighty-eight, in pursuance of an act, entitled "an act to naturalize Robert Edmeston," passed the sixth day of February, one thousand seven hundred and eighty-eight, became a naturalized citizen

of this state, and did by said act, and by a patent issued to said Robert Edmeston, on the twenty-seventh day of May, one thousand seven hundred and ninety-one, became vested in fee with the title to certain lands, tenements and hereditaments within the same. *And whereas* the said Robert Edmeston, intending to bring his family to this country in order to a permanent residence in the same, departed for England, and there died in the year one thousand seven hundred and ninety-two, leaving three children, Samuel Barker Edmeston, Elizabeth Francis Edmeston, and Andrew Edmeston, his only heirs at law, then residing in the kingdom of Great Britain. *And whereas* Andrew Edmeston, one of the said children of the said Robert Edmeston, now residing in the town of Otsego, in the county of Otsego, did, on the fourth day of February, in the year one thousand eight hundred and twelve, in pursuance of the laws of the United States, declare in open court his intention to become a citizen of the United States. *And whereas* it is represented to the Legislature, that some contracts in relation to the lands the said Robert Edmeston became entitled to as aforesaid, have been made by him, or his representatives or agents, with certain persons, which have not been fulfilled by either party to them, on account of the peculiar situation of the title of said lands, tenements and hereditaments: Therefore,

I: BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the title of the said Robert Edmeston to the lands, tenements and hereditaments whereof he died seized in the state of New-York, shall be, and the same is hereby vested in Samuel Barker Edmeston, Elizabeth Francis Edmeston and Andrew Edmeston. And that it shall and may be lawful for the aforesaid persons, or any of them, to have and to hold the same; to his, her or their heirs or assigns forever, any plea of alienage to the contrary notwithstanding. *Provided always,* that it shall not be lawful for the said Samuel Barker Edmeston, Elizabeth Francis Edmeston and Andrew Edmeston, or the heirs or assigns of any one of them, being aliens, to reserve any rent or service whatsoever, upon any grant, lease, demise or conveyance whatsoever, to be made of any such lands, tenements or hereditaments; and all rents, payments, services or reservations whatsoever, which shall be reserved or made payable in or by, or in consequence of any such lands or tenements, shall be utterly void and of no effect: *Provided always,* and that this act is on the express condition, that the persons to whom the title is hereby passed, shall duly convey to the actual settlers on the said lands, so much thereof as is within their actual possession, on such terms as to compensation and time of payment, and the value of the security to be given therefor, as the chief justice and surveyor-general shall, on a view of all the circumstances, deem reasonable and just. *And provided also,* that they shall pay all such expenses as have been incurred in the prosecution of the escheat of the said lands as the said chief justice and surveyor general shall deem reasonable.

II. And be it further enacted, That it shall be lawful for the justices of the peace in this state, to issue subpoenas to compel witnesses to attend and give evidence before the commissioners mentioned in the first section of this act, and on default of attendance, such witnesses shall suffer the same penalties as are inflicted by the act,

Preamble.

The title of the late R. Edmeston vested in his children.

On condition no rent to be reserved.

Conveyances to be made to actual settlers.

Compensation to be decided by chief justice and surveyor general.

Justices to issue subpoenas to appear

entitled "an act for the recovery of debts to the value of twenty-five dollars," for default in attending the justice's court when subpoenaed, to be levied and collected in the same manner and for the same purposes, on complaint of any person aggrieved by such default. *And further*, that if any person, in any oath to be taken or made under or in pursuance of this act, shall wilfully and knowingly affirm or swear falsely, the person so offending shall be liable to the same pains and penalties, as those who are convicted of wilful and corrupt perjury. *Made perjury.* And it is hereby made the duty of the commissioners mentioned in the first section of this act, to require the person or persons applying to them for an examination of witnesses, to give reasonable notice to the settlers of the lands herein mentioned; and that no examination of witnesses be taken by them without satisfactory proof that such notice has been given. *Notice to be given to the settlers.*

CHAP. LII.

AN ACT to incorporate the Utica Insurance Company.

Passed March 29, 1816.

WHEREAS it has been represented to this Legislature, that incorporating an Insurance company, which has been formed in the village of Utica, will tend to mitigate the awful calamities of fire, to give greater security to manufacturers, and more confidence to those who adventure their property on our vast navigable waters. *And whereas* it doth appear, that these objects are laudable, and that a company promoting them in the interior of our country, where the profits must necessarily be small, should be liberally encouraged: Therefore,

Preamble.

I. BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That all such persons as now are associated, or hereafter shall associate together for the purpose, shall be and hereby are constituted and declared to be, from time to time, and at all times hereafter, from the passing of this act until the first Tuesday of July, which will be in the year one thousand eight hundred and thirty-six, a body politic and corporate, in fact and in name, by the name of the "Utica Insurance company;" and that by the same name they and their successors, during the period aforesaid, shall and may have continual succession, and shall be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto; defending and being defended, in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors may have a common seal, and may change and alter the same at their pleasure; and by the same name be capable of purchasing, holding and conveying any estate real or personal, for the use of the said corporation, in the convenient transaction of its business, and subject to the restrictions and conditions herein after contained.

Declared a body corporate.

II. And be it further enacted, That this corporation shall have full power and authority to make contracts of insurance, with any person or persons, body corporate or politic, against losses or damages by fire or otherwise, of any houses, or boats, ships, vessels, or build-

ings whatsoever, and of any goods, chattels or personal estate whatsoever, and all kinds of insurance upon the inland transportation of goods, wares or merchandise, for such term or terms of time, and for such premium or consideration, and under such modifications and restrictions, as may be agreed on between the said corporation and the person or persons agreeing with them; and in general, of doing and performing in these operations, all the business generally performed by insurance companies; excepting therefrom, that this corporation shall not engage in loaning any money upon bottomry and respondentia, nor in making any insurance upon any life or lives, by way of tontine or otherwise, nor in issuing any notes which grant or stipulate to pay annuities upon any life or lives; any thing which may be in the practice or charter of any other insurance company to the contrary notwithstanding; and excepting farther, the restrictions and prohibitions herein after contained.

What declared to be subjects of insurance. **Restricted from loans.** **Concerns to be managed by directors.** **When chosen.** **How long they are elected.** **Notice to be given.** **How elections are conducted.** **President, how chosen.** **Directors to be stockholders.**

III. *And be it further enacted,* That the stock, property, estate, affairs and concerns of the said corporation, shall be managed and conducted by directors; who shall, after the first election, be annually elected on the first Tuesday of July in each year, and at such time of the day, and at such place, as shall have been regulated, by the by-laws of the company; and the directors so elected, shall hold their offices for one year from the day on which they are elected; and public notice shall in each case be given, of the number of directors to be elected, and of the time and place as aforesaid, not less than fourteen days previously thereto, in one of the public newspapers printed in the village of Utica. And all elections shall be by ballot, and the persons having the greatest number of votes, shall be elected; and each stockholder who may vote at any such election, shall be entitled to as many votes as he or she may possess shares of stock of the said corporation; and at every election, the stockholders may vote either in person or by proxy; and the persons who may be chosen to be directors, shall meet as soon as may be after every election, and choose out of their number one person to be president; and in case of the death, resignation, inability or refusal to serve, of the president or any of the directors, the vacancy thereby occasioned in the number of the directors, may be supplied, for the remainder of the year in which it may happen, by the remainder of the directors for the time being; and the number of directors of the said corporation, shall never exceed nine persons, and they shall be stockholders of the said corporation, and citizens of this state.

IV. *And be it further enacted,* That a share in the said corporation shall be two hundred and fifty dollars, and the number of shares shall never exceed two thousand.

V. *And be it further enacted,* That if on any anniversary day of election for directors, the stockholders owning two-thirds of the whole amount of the stock subscribed to this corporation, shall vote to discontinue the business of the said corporation, it shall be the duty of the directors to cease forthwith from assuming any new risk of insurance, and from doing any new business, or operations of any kind whatever, excepting such as may tend to accelerate the closing of the concerns of the said corporation; and it shall further be the duty of the said directors, as soon as may be, to dispose of all the property of the said corporation, and to call in all parts of the funds

When 2-3ds of the stock wish to decline business the directors restricted.

or capital stock of the said corporation, which may have been loaned by the said corporation, and all debts of any nature, which may be due to the said corporation; and after the funds and property of the said corporation shall have been thus collected and received, to make an equal division of the same among the stockholders, in the proportion that they shall be equitably entitled to, by the number of shares of the stock of the said corporation which they may respectively own; and after all the property of the said corporation shall have been thus divided and paid over, the said corporation shall cease and be dissolved. *Provided however,*

Division of funds, how made.

VI. *And be it further enacted,* That before any division of any part of the funds of the said corporation shall be made as aforesaid, the directors shall discharge all debts which the said corporation may owe; and no distribution or division of any part of the funds or capital of the said corporation shall be made as aforesaid, while the said corporation shall have any risk of insurance unexpired, or while the said corporation shall, in any way, be pledged to any person or persons as insurers, unless the consent of such person or persons shall be previously obtained, and be explicitly expressed in writing, under the hand of such person or persons; and in case such division or distribution as aforesaid, shall be made while the said corporation shall be indebted to any person or persons, or while the said corporation shall be pledged as insurers to any person or persons, and without having previously obtained, as aforesaid, the consent of such person or persons, then the directors who shall have consented to such division or distribution of the funds and capital of the said corporation, shall be liable in their individual and private capacity, to the extent of any such unsatisfied debts by the said corporation, and to the extent of any demands which would have been valid against the said corporation, on account of such pledges as insurers; and each stockholder shall also be accountable, to the extent of the portion of the capital or funds of the said corporation, which he may have received by virtue of the distribution or division of the funds or capital of the said corporation

Before division all debts to be discharged and paid.

Not to take place until all risks are ended.—Unless with consent of the insured.

Directors liable individually.

VII. *And be it further enacted,* That if it should at any time happen, that an election for directors should not be made on any day when, pursuant to to this act, it ought to be made, the said corporation shall not for that cause be deemed to be dissolved or forfeited; but it shall and may be lawful, on any other day, to hold an election for directors, in such way as may have been prescribed by the by-laws of the company; and the said corporation shall not be subject to forfeiture for any non-user, prior to the fifth Tuesday of June, which will be in the year one thousand eight hundred and eighteen. *Provided,* such non-user shall be caused by inability to obtain subscribers to the stock of this corporation, or from any other cause, which may retard the operations of the said corporation.

Corporation not to be dissolved.

Election held on any other day.

Not void by non-user.

VIII. *And be it further enacted,* That Bryan Johnson, James S. Kip, and Alexander B. Johnson, or any two of them, shall be joint commissioners for receiving subscriptions to the stock created by this act, or so much thereof as is now remaining unsubscribed; and such securities may be received, and such payments required at the time of subscribing, as the said commissioners shall deem proper; and also, such advantages may be secured to stockholders, in the terms ou

Commissioners appointed to receive subscriptions.

Terms of insurance to be arranged with stockholders.

Treasurer & secretary.

Election in the village of Utica.

Time when.

Tenure of office.

Calls to be made on the stock.

Forfeiture of former payments.

30 days notice given. How published.

Powers of the directors.

Stock transferable.

To appoint officers of the company.

To hold real estate, &c.

which they shall be enabled to effect insurance, as the said commissioners shall deem most effectual, for the purpose of obtaining subscribers to the stock of the said corporation, and most conducive to the interest and prosperity of the corporation; and the said commissioners may appoint from among the stockholders a treasurer, and a secretary, who shall officiate and perform such duties as may appertain to those offices, until the first election of directors under this act, and as much longer as the said directors shall please and permit; and the first election of directors shall be made in the manner herein before prescribed, and at such time and place in the village of Utica, as the said commissioners shall determine; and they shall give public notice in the manner herein before directed, of the number of directors to be elected, and of the time and place; and the directors then and there elected, shall hold their offices from such day, until the first Tuesday of July which may next succeed.

IX. And be it further enacted, That the directors for the time being shall have power to call and demand from the stockholders respectively, at such time or times as they shall think proper, the remainder of all sums of money, by the said stockholders subscribed or to be subscribed, and in such proportions as they shall see fit, under pain of forfeiting to the use and benefit of this corporation their shares, and all previous payments and securities made thereon, if such payments be neglected after the same ought to be made; and thirty days notice of such call and demand, shall be published in not less than two of the public newspapers published in the western district, of which, at least one shall be published in the village of Utica, and such publication shall in every case respectively be considered a sufficient call and demand as aforesaid. *And further,* the said directors shall have power to make and pursue such by-laws, rules and regulations as they shall deem proper, touching the management of the stock, property, estate, effects and concerns of the said corporation, the election of directors, the transfer of stock, the employment of the clerks, officers, servants, and agents of this corporation, and the investment of the funds of the corporation, which the business of insurance may not actively employ. *Provided however,* that such investments, by-laws, rules and regulations shall not be repugnant to the constitution and laws of this state, or of the United States, nor forbidden by this act in the restrictions and prohibitions on this corporation herein after contained.

X. And be it further enacted, That the stock of the said corporation shall be assignable and transferable, according to such rules and regulations as shall be established by the by-laws of the company; and no transfer of stock shall be effectual, until entered in a book to be kept for that purpose by the directors, and they may refuse to transfer the stock of any stockholder who is indebted to the company, or to pay him any dividend, until such debt be paid or secured to be paid, to the satisfaction of the directors.

XI. And be it further enacted, That the said corporation hereby created, shall have power to appoint such and so many officers, clerks, firemen, servants, and agents, as they shall deem necessary for the due management of their business, and to dismiss the same, and appoint others at their pleasure. And also, that the said corporation shall have power to purchase and hold such and so much real estate, or to hire the same by lease, as shall be necessary and con-

venient for the said corporation, its officers and servants, for the due transaction of its business; and that it shall not hold any land or tenement for any other purpose or design whatever, excepting,

XII. *And be it further enacted*, That the said corporation may receive, take and hold mortgages on any real estate, chattels or tenements, if the same shall be bona fide mortgaged or pledged to the said corporation, to secure the payment of any shares which may be subscribed to make up the capital stock of the said corporation, or to secure the payment of any debt which may become due to the said corporation, by any means howsoever. And the said corporation shall have power to proceed on the said mortgages, or on any other security for the recovery of the money thereby secured to them, either at law, or in equity, as any other body corporate, or any individual might, is, or shall be authorised to proceed, were he or it the one to whom the securities had been given. And it shall be lawful for the said corporation to purchase on sales made by virtue either of a judgment at law, or decree, or order of a court of equity, or otherwise, and to take any real estate in payment, or towards satisfaction of any debt, or sum of money due to the said corporation, and to hold such real estate, so to be purchased, or received, or taken as last aforesaid, until they can conveniently sell and convert the same into money or other personal property: *Provided always*, in every such transaction, that the said corporation shall be bound to make such sale or conversion, within five years after it may have acquired such real estate, and in default thereof the same shall immediately, on the expiration of the said five years after such transaction respectively, be forfeited and vested in the people of this state.

To receive pledges by way of mortgage, &c.

To foreclose mortgages.

Provided that the sale of real estate acquired by mortgage &c. shall be disposed of within 5 years.

XIII. *And be it further enacted*, That it shall be the duty of the directors to make half-yearly dividends of so much of the profits of this corporation, as they shall deem advisable: *Provided however*, that no dividend shall be declared, if any losses shall have diminished the amount of the capital stock; and in case of such diminution, the dividends shall be discontinued until the accumulated profits shall have supplied the amount of which the capital was deficient.

Dividends.

No dividend to be made where the capital stock is diminished by loss.

XIV. *And be it further enacted*, That the stock of the said corporation shall be deemed and considered personal estate; and in respect to all debts which shall be contracted by the said corporation, before the time limited for the expiration of this act, the persons composing the said corporation, at the time of its dissolution, shall be responsible in their individual and private capacity, to the extent of their share of the funds and property of the institution, and no further, on any suit or action, to be brought or prosecuted, after the dissolution of the said corporation.

Stock personal estate.

When the charter expires each to be liable to the extent of his share.

XV. *And be it further enacted*, That at every regular meeting of the board of directors, a majority of the directors present shall be competent to decide on all business and concerns relating to this corporation; and on the occasional or accidental absence of the president, the board shall be permitted to appoint one or more presidents pro tempore, to officiate in his absence, who shall on such occasions be competent to perform all the duties which the president may perform by virtue of any by-law of the corporation; and any policy or engagement, signed by the president, and attested by the

Majority of directors to decide.

In the absence of the president, one pro tempore appointed.

Every policy signed by the president and attested by the secretary valid.

secretary, when done conformably to any by-laws of the directors, shall be valid against, and effectually bind the said corporation, without the presence of a board of directors, and as effectually as if under the seal of the said corporation. *Provided however,*

The consent of the corporation necessary to transfer and negotiate policy.

XVI. *And be it further enacted,* That no policies or engagements whatever, which shall as aforesaid be entered into by this corporation, with any individual, body corporate or politic, either without the seal of this corporation or otherwise, shall be transferable, negotiable, or assignable, so as to give such second holder or assignee a claim on the said corporation, either in his own name or in the name of the person originally concerned, unless the consent of this corporation shall have been previously obtained, and endorsed in writing on such instrument, or unless such a privilege form a part of the original agreement, and be expressly granted by this corporation.

Election to be made by those who are present.

XVII. *And be it further enacted,* That the first election for directors shall be made by such persons as shall have subscribed for stock, or their proxies, and by so many of them as shall attend for that purpose, and no transfer of stock previous to the first election for directors shall be valid or effectual.

No part of the capital to be diverted.

XVIII. *And be it further enacted,* That no part of the funds or capital of this corporation, which the business of insurance may not actively employ, nor any other part or portion whatever of the funds or capital of this corporation, shall at any time be by the said corporation either directly or indirectly employed, to deal or trade in buying or selling any goods, wares or merchandise; or in the purchase or sale of any grain or other produce, foreign or domestic, or in buying or selling any funded or other stock, created by any act of the Congress of the United States, or of any particular state; or in buying or selling the stock of any bank, or in loaning any money, and issuing any notes as herein before prohibited. *Provided however,*

Stock to be secured for debts due.

XIX. *And be it further enacted,* That the said corporation shall be permitted to receive any such stock or funds, to make up or secure any part of the capital subscribed to this corporation, or to secure the payment of any debt due to the corporation. And the said funds or stocks, after so received, to sell, when the occasions of the company shall require it.

This declared a public act.

XX. *And be it further enacted,* That this act shall be, and is hereby declared to be a public act, and the same shall be, for the time herein before limited, construed in all courts and places benignly and liberally, to effect every beneficial purpose therein mentioned and contained.

CHAP. LIII.

AN ACT to vest certain lands in the Mayor, Aldermen and Commonalty of the city of New-York.

Passed March 29, 1816.

WHEREAS the mayor, aldermen and commonalty of the city of New-York have by their memorial, represented to the legislature that they are desirous to become possessed of the lands, tenements

and premises in the second ward of the said city of New-York, bounded south-westerly by Beekman's-slip, north-westerly by Front-street, north-easterly by Crane-wharf, and south-easterly by the East river, for the purpose of erecting thereon an extensive and commodious public market, and with the right of converting and disposing of the said lands and premises, for other public purposes, or otherwise, whenever they or their successors may deem the continuance of the said market there unnecessary; and that they are willing and desirous to defray the whole expense of the purchase of the said premises, out of the city treasury, upon the said premises being vested in them, in fee simple, but that the present law presents difficulties which render legislative interference necessary, and praying the aid of the legislature in the premises: *And whereas* the said prayer appears reasonable, Therefore,

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly,* That it shall be lawful for the mayor, aldermen and commonalty of the city of New-York, whenever they shall judge proper, to cause application to be made to the supreme court of judicature of this state, or to either of the justices thereof, for the appointment of commissioners for the purpose of performing the duties hereinafter prescribed; and upon such application, it shall be lawful for the said court or justice, to whom such application shall be made, to nominate and appoint three discreet and disinterested persons, being citizens of the said city, commissioners of estimate, for the purpose of performing the duties herein after prescribed; which said commissioners, before they enter upon the performance of the duties of their appointment, shall severally take and subscribe an oath or affirmation, before some person authorised by law to administer oaths, "faithfully to perform the trust and duties required of them by this act;" which oath or affirmation shall be filed in the clerk's office of the city of New-York: And it shall be the duty of the said commissioners, as soon as conveniently may be after their appointment, to make a just and true estimate of the loss and damage to the respective owners, lessees, parties and persons respectively, entitled unto or interested in the lands, tenements, hereditaments and premises, lying and being within the above mentioned limits, by and in consequence of relinquishing the same to the said mayor, aldermen and commonalty of the city of New-York, and to report thereon to the said supreme court of judicature, without unnecessary delay; and in the said report the commissioners who shall make the same, shall set forth the names of the respective owners, lessees, parties and persons entitled unto or interested in the lands, tenements, hereditaments and premises mentioned in the said report, and each and every part and parcel thereof, as far forth as the same shall be ascertained by them, and an apt and sufficient designation or description of the respective lots or parcels of land, and other tenements, hereditaments and premises, lying and being within the above mentioned limits; but in each and every case and cases, where the owners and parties interested, or their respective estates and interests are unknown, or not fully known to the said commissioners, it shall be sufficient for them to estimate and to set forth and state in their said report, in general terms, the respective sums to be allowed and paid to the owners and proprietors generally, of such lands, tenements, hereditaments and premises, for the loss and damage to such owners,

Preamble:

Supreme court to appoint commissioners.

Oath to be taken.

Filed in clerk's office.

Appraisal to be made, and report particularly.

Where owners are unknown to state in general terms.

Court shall make such order as they deem proper.

Wishes to refer, confirm or reconsider the report.

Which when confirmed will be conclusive between the parties.

On such confirmation, the corporation to become absolutely seised in fee.

And may take possession of the property.

All engagements of landlord and tenant or other contract to cease on confirmation of the report.

Commissioners to deposit a copy of the estimate in the clerk's office at New-York.

Notice in 2 newspapers of said deposit, and the day on which the report will be presented.

proprietors and parties interested, in respect to the whole estate and interest of whomsoever may be entitled unto, or interested in the said lands, tenements, hereditaments and premises respectively, by and in consequence of relinquishing the same to the said mayor, aldermen and commonalty of the city of New-York, without specifying the names, or the estates or interests of such owners, proprietors and parties interested, or of any or either of them; and upon the coming in of the said report, signed by the said commissioners, or any two of them, the said court shall, by rule or order, after hearing any matter which may be alledged against the same, either confirm the said report, or refer the same to the same commissioners, for revision and correction, or to new commissioners to be appointed by the said court, to reconsider the subject matter thereof; and the said commissioners, to whom the said report shall be so referred, shall return the said report corrected and revised, or a new report to be made by them in the premises, to the said court, without unnecessary delay; and the same on being so returned shall be confirmed, or again referred by the said court, in manner aforesaid, as right and justice shall require; and so from time to time until a report shall be made or returned in the premises, which the said court shall confirm; and such report when so confirmed by the said court, shall be final and conclusive, as well upon the said mayor, aldermen and commonalty of the city of New-York, as upon the owners, lessees and persons and parties interested in and entitled unto the lands, tenements, hereditaments and premises mentioned in the said report, and also upon all other persons whomsoever: And on such final confirmation of such report, by the said court, the mayor, aldermen and commonalty of the city of New-York, shall become and be seised, in fee simple absolute, of all the said lands, tenements, hereditaments and premises, in the said report mentioned; and thereupon the said mayor, aldermen and commonalty, or any person or persons acting under their authority, may immediately, or at any time or times thereafter, take possession of the same, or any part or parts thereof, without any suit or proceeding at law for that purpose.

II. And be it further enacted, That in all cases where any lot or parcel of land, or other premises, under lease or other contract, shall be taken by virtue of this act, all the covenants, agreements, contracts and engagements between landlord and tenant, or any other contracting parties, touching the same, or any part thereof, shall, upon the confirmation of such report in the premises, as shall be confirmed by the court aforesaid, respectively cease and determine, and be absolutely discharged.

III. And be it further enacted, That the said commissioners of estimate, to be appointed under and by virtue of this act, after completing their said estimate, and at least twenty-four days before they make their report to the said court, shall deposit a true copy or transcript of such estimate in the clerk's office of the city of New-York, for the inspection of whomsoever it may concern, and shall give notice by advertisements, to be published in at least two of the public newspapers printed in the said city of New-York, of the said deposit thereof in the said office, and of the day on which their report will be presented to the said court; and any person and persons, whose rights may be affected thereby, and who shall object to the same, or

any part thereof, may, within twenty days after the first publication of the said notice, state his, her or their objections to the same, in writing, to the said commissioners; and the said commissioners, or such of them as shall make such estimate, in case any objections shall be made to the same, and stated in writing as aforesaid, shall reconsider their said estimate, or the parts or part thereof so objected to; and in case the same shall appear to them to require correction, but not otherwise, they shall and may correct the same accordingly.

Objections to be stated to the commissioners.

Authorized to correct when returned.

IV. *And be it further enacted*, That the said mayor, aldermen and commonalty, shall within one calendar month after the confirmation of the report of the commissioners, in the premises, by the court, pay to the respective persons and parties mentioned or referred to in the said report, in whose favor any sum or sums of money shall be estimated and reported by the said commissioners, the respective sum or sums so estimated and reported in their favor respectively; and in case of neglect or default in the payment of the same, within the time aforesaid, the respective person or persons, or party or parties, in whose favor the same shall be so reported, his, her or their executors, administrators or successors, at any time or times after application first made by him, her or them, to the said mayor, aldermen and commonalty, in common council convened, for payment thereof, may sue for and recover the same, with lawful interest, from and after the said application therefor, and the costs of suit, in proper form of action, against the said mayor, aldermen and commonalty, in any court having cognizance thereof, and in which it shall be sufficient to declare, generally, for so much money due to the plaintiff or plaintiffs therein, by virtue of this act, for premises taken by virtue thereof; and it shall be lawful for the plaintiff or plaintiffs, to give any special matter in evidence, under such general declaration; and this act, and the report of the said commissioners, with proof of the right and title of the plaintiff and plaintiffs, to the sum or sums demanded, shall be conclusive evidence in such suit or action.

Corporation to pay within one month

The sum reported.

If not paid corporations may be sued.

Any special matter in evidence.

V. *Provided, and be it further enacted*, That whenever the owners and proprietors of any such lands, tenements, hereditaments and premises, to be taken by virtue of this act, or the party or parties, person or persons interested therein, or any or either of them the said owners, proprietors, parties or persons in whose favor any such sum or sums, or compensation shall be so reported, shall be under the age of twenty-one years, *non compos mentis*, feme covert, or absent from the city of New-York; and also in all cases where the name or names of the owner or owners, party or persons entitled unto, or interested in any lands, tenements, hereditaments or premises, that may be so taken, shall not be set forth or mentioned in the said report, or where the said owners, parties or persons, respectively, being named therein, cannot, upon diligent inquiry, be found, it shall be lawful for the said mayor, aldermen and commonalty, to pay the sum or sums mentioned in the said report, payable or that would be coming to such owners, proprietors, parties and persons respectively, into the said supreme court of judicature, to be secured, disposed of and improved as the said court shall direct; and such payment shall be as valid and effectual, in all respects, as if made to the said owners, proprietors, parties and persons respectively themselves, according to their just rights, if they had been known, and had all been present, of full

If owners are under a disability,

Or not to be found,

The amount awarded

To be paid into the supreme court by the commissioners.

Which shall be valid.

age, discover, and compos mentis: *And provided also*, That in all and each and every case and cases, where any such sum or sums, or compensation so to be reported by the said commissioners, in favor of any person or persons, and party or parties whatsoever, whether named or not named in the said report, shall be paid to any person or persons, or party or parties whomsoever, when the same shall of right belong, and ought to have been paid to some other person or persons, or party or parties, it shall be lawful for the said person or persons, or party or parties, to whom the same ought to have been paid, to sue for and recover the same, with lawful interest and costs of suit, from the person or persons, party or parties to whom the same shall have been paid, as so much money had and received to the use of the said plaintiff or plaintiffs, by the person or persons, party or parties respectively, to whom the same shall have been so paid.

On report
persons au-
thorised to
sue.

Money had
and received

In case of
death, &c. of
the commis-
sioners,

Supreme
court to ap-
point ano-
ther.

VI. *And be it further enacted*, That in case of the death, resignation or refusal to act of any such commissioners of estimate to be appointed under and by virtue of this act, it shall and may be lawful for the court aforesaid, or any one of the justices thereof, on the application of the mayor, aldermen and commonalty of the city of New-York, as often as such event shall happen, to appoint a discreet and disinterested person, being a citizen of the said city of New-York, in the place and stead of such commissioner so dying, resigning or refusing to act; and that the surviving or acting commissioners, as the case may be, shall have full power to proceed in the execution of the duties of their appointment, until a successor of the commissioner so dying, resigning or refusing to act, shall be appointed.

Two of the
commission-
ers to form a
board.

The decision
of the major
part valid.

VII. *And be it further enacted*, That in all and every case of the appointment of commissioners under this act, it shall be competent and lawful for any two of such said commissioners, so to be appointed to proceed to and execute and perform the trust and duties of their said appointment, and their acts shall be as valid and effectual as the acts of all the commissioners so to be appointed, if they had acted therein, would have been; *And further*, That in all cases the acts, proceedings and decisions of a major part of such of the commissioners as shall be acting in the premises, shall be as binding, valid and effectual, as if the said commissioners named and appointed for such purpose, had all concurred and joined therein.

Not more
than 4 dollars
per day al-
lowed.

VIII. *And be it further enacted*, That the commissioners to be appointed under and by virtue of this act, who shall enter upon the duties of their appointment, shall each be entitled to receive the sum of not more than four dollars, besides all reasonable expenses, for maps, surveys, clerk hire, and other necessary expenses and disbursements, for each day they shall respectively be actually employed in the duties of their appointment, and the same shall be paid by the mayor, aldermen and commonalty of the city of New-York.

CHAP. LIV.

AN ACT for the relief of Olive Bigelow.

Passed March 29, 1816.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the treasurer, on the warrant of the comptroller, shall pay to Olive Bigelow such sum as shall appear to him to be justly due from this state for the services of her late husband, John Bigelow, deceased, for repairing arms and other smith work, done for the people of this state, at Ogdensburg, in the late war.

CHAP. LV.

AN ACT for the relief of Levi Beardsley.

Passed March 29, 1816.

WHEREAS John Smith, an illegitimate son of Amy Carpenter, and late of the county of Chautauque, in this state, died intestate, without issue, leaving personal estate more than sufficient to pay his debts. *Preamble.* And whereas Levi Beardsley adopted the said John Smith, and was at the expense of supporting and educating him from early infancy; Therefore,

Be it enacted by the people of the State of New-York, represented in Senate and Assembly, That all the right, title and interest of the people of this state in and to the residue of the personal estate whereof the said John Smith was possessed, or to which he was in any manner entitled at the time of his death, after payment of all his just debts, be, and the same is hereby granted to, and vested in the *The estate of John Smith vested in Levi Beardsley* said Levi Beardsley, his executors, administrators and assigns.

CHAP. LVI.

AN ACT further supplemental to an act, entitled "an act for the relief of Thomas B. Clarke."

Passed March 29, 1816.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the said Thomas B. Clarke *T. B. Clarke* be, and he is hereby authorised, under the order heretofore granted by the chancellor, or under any subsequent order, either to mortgage or to sell the premises which the chancellor has permitted, or hereafter may permit him to sell, as trustee under the will of Mary Clarke, and to apply the money, so raised by mortgage or sale, to the purposes required or to be required by the chancellor, under the acts heretofore passed for the relief of the said Thomas B. Clarke.

Preamble. town of Watertown, and county of Jefferson, comprised in the following bounds, that is to say : Beginning at the middle of Black river, six rods west of the bridge, from thence south twenty-nine degrees west, twenty-six chains, to the south side of the arsenal road, leading to Sacket's Harbor; thence south thirty-six degrees east, forty-two chains, fifty links, to the Huntington road; thence north seventy-two degrees east, nine chains, fifty links, to the Woodruff road; thence north forty-seven degrees east, forty-eight chains, fifty links, to the Black river; thence down the middle of said river to the place of beginning; shall hereafter be known and distinguished by the name of the "Village of Watertown."

II. And be it further enacted, That the freeholders and inhabitants qualified to vote at the town meetings, who may reside within the aforesaid limits, may on the first Monday in May next, meet at some proper place therein, to be appointed and notified to the inhabitants by any justice within the said village, at least one week previous to the said Monday of May, and then and there proceed to elect five freeholders, resident within said village, to be trustees thereof; who when chosen shall possess the several powers and rights herein after specified. And such justice shall preside at such meeting, and declare the several persons having a majority of votes as duly chosen trustees. And on every first Monday of May after the first election of trustees, there shall in like manner be a new election of trustees for the said village; and the trustees for the time being shall perform the several duties required from the said justice, in respect of notifying the meeting of the freeholders and inhabitants of the village, and presiding at such election.

Declared to be a body corporate.

III. And be it further enacted, That all the freeholders and inhabitants residing within the aforesaid limits be, and they are hereby ordained, constituted and declared to be, from time to time, and forever hereafter, a body politic and corporate, in fact and in name, by the name of the Trustees of the village of Watertown; and by that name they and their successors shall and may have perpetual succession, and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, complaints and causes whatsoever; and that they and their successors, may have a common seal, and may change and alter the same at pleasure, and shall be capable in law of purchasing,

Empowered to make improvements, &c. to erect fire engines.

Three assessors to be appointed, who shall be freeholders.

Taxes to be collected in the same manner as taxes in other towns are collected.

holding and conveying any estate, real or personal, for the public use of the said village; and of erecting fire engine houses, of raising money by tax for the purchase of fire engines, and for erecting fire engine houses, for supplying the village with water, and for making any public improvements, or necessary repairs; which money so to be raised, shall be assessed upon the freeholders and inhabitants of the said village, according to law, by not less than three, nor more than five judicious assessors, who shall be freeholders in the said village, and shall be chosen by the freeholders and inhabitants of the said village, qualified to vote at town meetings, at their annual meetings, and collected by the collector of the corporation, in like manner as the taxes of towns and counties are collected, by virtue of a warrant to him directed by a majority of the trustees. *Provided nevertheless,* that no taxes shall be levied, or monies raised, assessed,

or collected, for erecting such fire engine houses, nor such houses erected, without the consent and approbation of the freeholders and legal voters of the said village, or the major part of them, in open town meeting, duly notified by the said trustees, by written or printed notices, to be put up in three public places in said village, at least one week previous to such meeting.

No taxes to be levied except with the approbation of a public meeting duly convened.

IV. *And be it further enacted*, That it shall and may be lawful for the trustees of said village, or the major part of them, and for their successors in office forever, to make, ordain, constitute and publish such prudential by-laws, rules and regulations, as they from time to time shall deem meet and proper; and such in particular as may relate to public markets within said village; relative to the streets, alleys and highways therein, and draining and filling up, paving, keeping in order and improving the same; relative to slaughter houses, and nuisances generally; relative to a town watch, and lighting the streets of the said village; relative to the restraining of geese, swine, or cattle of any kind; relative to the inspection of weights and measures, and relative to erecting and regulating hay scales, and relative to any thing whatsoever, that may concern the public and good government of the said village; but no such by-laws shall extend to the regulating or ascertaining the prices of any commodities, or articles of provisions, except the article of bread, that may be offered for sale: *Provided*, that such by-laws be not contrary to, or inconsistent with the laws and statutes of this state, or of the United States. *And provided always*, that any monies to be raised for paving any street or streets, or flagging or improving the foot walks or side ways, shall be assessed, levied and collected, in a just and equitable manner, of and from the owners and occupants of all the houses and lots adjoining such street or streets so to be paved or flagged, in proportion as nearly as may be to the advantages which each shall be deemed to acquire respectively; any thing in this act to the contrary notwithstanding.

Trustees authorised to make regulations, &c.

Streets, alleys, &c.

Town watch and lighting the streets.

Weights & measures.

Assessments to be made in proportion to the advantages derived by occupants.

V. *And be it further enacted*, That the said trustees, or the major part of them, as often as they shall make, ordain and publish any such by-laws for the purposes aforesaid, may make, ordain limit and provide, such reasonable fine against the offenders of such laws, as they may deem proper, not exceeding twenty-five dollars for any one offence; to be prosecuted and recovered by action of debt, before any justice of the peace, with costs of suit, by the trustees, for the use of the corporation; in which action it shall be sufficient to declare generally, that the defendant or defendants, is or are indebted to the trustees of the village of Watertown, in the amount of the debt, penalty, fine or forfeiture, by virtue of this act, to be paid to the said trustees for the time being, when thereunto required, and under such declaration to give the special matter in evidence.

Bylaws to be published. May impose fines not exceeding \$25 for any offence.

To be recovered in action of debt.

Special matter to be given in evidence.

1st Monday in May for choosing trustees.

VI. *And be it further enacted*, That the freeholders and inhabitants of the said village of Watertown, qualified to vote at town meetings at their annual meetings, on the first Monday of May, in every year hereafter, to be held for choosing trustees, or at any other meeting duly notified, shall be, and they are hereby duly authorised, by plurality of votes, to choose not less than three, nor more than five judicious inhabitants, being freeholders and residing in said village, as assessors; one treasurer, being also a freeholder; one collector,

Not less than three nor more than five freeholders to be chosen as assessors. Treasurer to be appointed. Collector.

whose duty it was to have paid the same; and all taxes upon any real estate in said village shall be a lien thereon.

Inhabitants
declared to
be compe-
tent jurors.

XVIII. *And be it further enacted*, That any justice of the peace of the county of Jefferson, residing in the said village of Watertown, any freeholder or inhabitant of said village, shall be and are hereby declared competent, respectively, to try, serve as jurors, or give testimony in any cause wherein the said trustees are parties, notwithstanding any remote interests they may have in the event of such suit, as members of the corporation of said village.

The village
declared a
road district
and exempt
from the
commiss'rs
of highways.

XIX. *And be it further enacted*, That the village of Watertown, as described in this act, be, and the same is hereby constituted a road-district, and that the same be exempt from the superintendence of the commissioners of highways of the town to which said village belongs, or may hereafter belong; and the said trustees of the village of Watertown shall have all the powers over the said road-district, and discharge all the duties, which by law are given to or enjoined upon the said commissioners of highways, and subject to the like restrictions and appeals.

CHAP. LXII.

AN ACT to incorporate the Oriskany Turnpike Company.

Passed April 5, 1816.

Erastus
Cleveland
& others in-
corporated,

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That Erastus Cleveland, Job Herick, Moses Foot, junior, Thomas Hart, William Briton, Grant Miller, Asa B. Sizer, Samuel Stow, and Elisha Wyllis and all such other persons as shall associate for the purpose of making a good and sufficient turnpike road, to begin at or near the house of Samuel Stow, in the village of Log-city, in the town of Eaton, in the county of Madison, from thence to run north-easterly on the nearest and most convenient route, to intersect the third great western turnpike, near the house of Ezra Woodworth, in the town of Madison, then to leave said third great western turnpike at or near the house of Benjamin I. Starr, in the village of Madison, and run on the nearest and most convenient route, by Miller's mills, in the town of Augusta, in the county of Oneida, to Briton's mills, in the town of Paris, and there to end, and their successors be, and they are hereby created a body corporate and politic, by the name of "The President, Directors and Company of the Oriskany Turnpike," in fact and in name, and by that name they and their successors shall and may have continual succession, and be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, in all actions and complaints, matters and causes; and by the same name and style shall be in law capable of purchasing, holding and conveying any estate, real and personal, for the use of said corporation. *Provided*, that such estate, as well real as personal, so to be purchased and held, shall be necessary to fulfil the end and intent of the said corporation, and to no other purpose whatsoever.

by the name
of the Oris-
kany Turn-
pike.

Stock.

II. *And be it further enacted*, That the stock of the said company hereby incorporated, shall consist of twelve hundred shares, of twen-

ty-five dollars each. And that Erastus Cleveland, Charles W. Hull ^{Commissioners.} and Thomas Hart be, and they are hereby appointed commissioners to receive subscriptions for the said stock in the manner directed by the act, entitled "an act relative to turnpike companies," passed the thirteenth day of March, one thousand eight hundred and seven.

III. *And be it further enacted,* That the said company shall be entitled to erect two gates on said road, the one between the Log-city ^{Two gates to be erected.} and the village of Madison, and the other between the village of Madison and Briton's mills; and that they shall be entitled to exact and receive at the said last mentioned gate, so to be erected on the said road, the following sums of money from all persons travelling or using the same; for every waggon or cart drawn by two horses, mules or oxen, twelve and one half cents, and three cents for every additional horse, mule or ox attached to such waggon or cart; for every cart or other carriage drawn by one horse, mule or ox, six cents; and for every additional horse, mule or ox attached to such cart or carriage, three cents; for every horse and rider six cents; for every horse led or driven three cents; for every stage waggon, chariot, coach or coachee, phaeton, curricule or other pleasure carriage drawn by two horses, twenty-five cents, and for every additional horse attached to such carriage, six cents; for every chaise, chair, sulkey; or other pleasure carriage drawn by one horse, twelve and an half cents, and in like proportion for every additional horse; for every sled or sleigh drawn by two horses, mules or oxen, six cents, and for every additional horse, mule or ox three cents; for every sled or sleigh drawn by one horse, mule or ox, four cents; for every score of cattle, horses or mules twenty-five cents, and for every score of hogs or sheep twelve and an half cents, and so in proportion for a greater or less number. And at the said first mentioned gate so to ^{First gate half toll.} be erected on the said road, they shall be entitled to exact and receive from all persons travelling on and using the same, one half of the rates of toll above detailed, and no more.

IV. *And be it further enacted,* That the number of directors ^{3 directors.} hereby incorporated shall be five, three of whom shall be a quorum, and capable of managing the concerns and business of the company hereby incorporated; shall have and enjoy all the rights, privileges, powers and immunities which are given and granted in and by the aforesaid act, entitled "an act relative to turnpike companies," and shall be subject to all the conditions, provisions, restrictions and regulations contained in the said act. ^{3 of whom a quorum.} ^{Subject to conditions of gen'l. turnpike act.}

CHAP. LXIII.

AN ACT directing the Commissioners of the Land Office to sell Squam Island, in the Niagara River, to Jasper Parish.

Passed April 5, 1816.

WHEREAS his excellency the governor has communicated to the legislature, that at a treaty recently held with the the Seneca Preamble. nation of Indians, for the purchase of such of the islands in the Niagara river as may be within the territory of the United States, it was proposed by them to present to Jasper Parish, esquire, their inter-

preter, as an acknowledgment of his many services to them, a small island, called Squaw-Island, containing by estimation one hundred and fifty acres: That being desirous of excluding from treaties Indian grants or donations to individuals, he had suggested the propriety of according with their wishes, by placing the proposed donation on the footing of a sale from the state to Mr. Parish, at a specified price, to which they had acceded: That the sum of two dollars per acre had been mutually agreed upon as the price for the same; Therefore,

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the commissioners of the land office are hereby authorised and directed to cause to be granted and issued letters patent to Jasper Parish, conveying and granting to him, in fee, the said Squaw-Island, he, the said Jasper Parish, paying therefor, at and after the rate of two dollars per acre, estimating the contents of the said island at one hundred and fifty acres, in manner following: one eighth part of the consideration money to be paid to the treasurer of this state, before granting the said letters patent, and within six months after the passing of this act; and the said Jasper Parish executing his bond and mortgage on the said lands, to the people of this state, for the residue of the said consideration money, payable in six equal annual instalments, with interest, at the rate of seven per cent. per annum.

Comm'rs of
land office to
issue letters
patent to
Jasper Parish
for
Squaw island.

Conditions.

CHAP. LXIV.

AN ACT for the relief of John C. Ewer.

Passed April 5, 1816.

Preamble.

WHEREAS it appears from the report of the surveyor general on the petition of the said John C. Ewer, that in the year one thousand eight hundred and eight, lot number three, in the subdivision of lot number fifty-two, in the town of Dryden, as marked on the map thereof, filed in the secretary's office, was sold to John Wood, and by him conveyed to the said John C. Ewer: That in the year one thousand eight hundred and thirteen, lot number four of the same subdivision, as marked on the said map, was granted by letters patent to Jacob Mancius: That it has since been discovered that the surveyor who made the said division of lot number fifty-two, aforesaid, had inadvertently reversed the order of the numbers of the subdivided lots aforesaid, placing three for four, and vice versa: That the said petitioner not apprised of the mistake, made valuable improvements on the lot he had purchased as number three: That the said Jacob Mancius brought ejectments to recover the possession of the lot occupied by the petitioner: That when informed of the mistake aforesaid, the commissioners of the land office applied to the said Mancius to have the same rectified, which he refused: That they then directed the attorney general to institute a suit in chancery, to vacate the grant to the said Mancius: That the said petitioner afterwards made a compromise with the said Jacob Mancius, and paid him the sum of five hundred dollars, and engaged to pay the costs of several suits then pending, in relation to the said lot, and had stipulat-

ed that the said Jacob Mancius should not be liable for the payment of any costs in the chancery suit; Therefore,

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly,* That the treasurer of this state shall pay, on the warrant of the comptroller, to the said John C. Ewer, the sum of five hundred dollars, and the taxable costs in said ejectment suit, as a remuneration for the monies expended by him, in quieting his title to the lot aforesaid. Treasurer to pay J. C. Ewer D 500

II. *And be it further enacted,* That the treasurer shall pay, on the warrant of the comptroller, the costs and expenses incurred in the suit in chancery, instituted as aforesaid, by direction of the commissioners of the land office. and expenses of chancery suit.

CHAP. LXV.

AN ACT for the relief of William Giles.

Passed April 5, 1816.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the comptroller be and he is hereby authorised and directed, on the delivery and surrender to him of the original certificates of sale, of the several lots sold to William Giles, and on the payment of all such taxes, interests and costs as may now be due on the same, to cancel the obligation aforesaid, executed by the said William Giles, to the people of this state, for the consideration money to be paid for the said lots.

CHAP. LXVI.

AN ACT to perfect the bounds of the town of Athens, in the county of Greene.

Passed April 5, 1816.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That all the lands under the water of Hudson's river, lying between the town of Athens and the county of Columbia, beginning at the south-easterly corner of the said town of Athens, and running south fifty-five degrees thirty minutes east, into the said river, to the west line of the said county of Columbia; then northerly and easterly through the middle of said river, along the said line of the county of Columbia, so far as to intersect said line south seventy-four degrees east from the north-east corner of the said town of Athens; then on the course of said line to the north-east corner thereof, agreeable to a map and survey thereof, now on file in the office of the surveyor general of this state, shall be and are hereby included within the bounds of the said town of Athens.

CHAP. LXVII.

AN ACT relating to the time for holding the Circuit Courts, and Courts of Oyer and Terminer, in and for the county of Rensselaer.

Passed April 5, 1816.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That from and after the first day of August next, there shall be held in the county of Rensselaer, two circuit courts and courts of oyer and terminer and gaol delivery in each year; one of which shall commence on the second Tuesday of July, and the other on the second Tuesday of December: *Provided nevertheless,* That the justices of the supreme court shall have power, as occasion may require, during any term of the supreme court, to alter the times above appointed for the said circuit courts and courts of oyer and terminer, and gaol delivery, to any other days in the months of July and December, so that the same be done two terms at least previous to the circuit intended to be altered; *Provided also,* That the justices aforesaid shall have power, in their discretion, to dispense with the holding of a court of oyer and terminer, at either of the said circuits, whenever in their opinion it shall not be necessary to hold the same.

Two circuits and courts of oyer and terminer appointed.

Sup. court may alter times of holding said court,

or dispense with the same.

CHAP. LXVIII.

AN ACT concerning the sale of lands in the villages of Black-Rock and Lewiston.

Passed April 5, 1816.

I. BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall be, and it is hereby made the duty of the surveyor general, to require from all purchasers of house lots in the villages of Black-Rock and Lewiston, a stipulation to erect, or cause to be erected, a house on each lot, not less than twenty by eighteen feet, fit for the habitation of man, within two years after such purchase, under the penalty of forfeiting such lot and all payments made thereon.

60 days allowed to remove buildings.

II. And be it further enacted, That it shall and may be lawful for any person who may have erected a building or buildings on any lot, the property of the people of this state, to remove such building or buildings from such lot, at any time within sixty days after the sale of such lot.

CHAP. LXIX.

AN ACT to revive the act, entitled "an act for the incorporation of the village of Buffalo.

Passed April 5, 1816.

I. Be it enacted by the people of the State of New-York, represented in Senate and Assembly, That the act, entitled "an act for

the incorporation of the village of Buffalo," passed the second day of April, in the year one thousand eight hundred and thirteen, be and the same is hereby revived and in full force; and that it shall be lawful for the freeholders and inhabitants of said village, to assemble on the first Monday in May in every year, at such time of the day, and at such public place therein, as the trustees thereof shall from time to time appoint, and when so assembled, to do and perform all such act or acts as are directed by the act hereby revived. Act of 1813
revived

II. *And be it further enacted*, That Oliver Forward, Samuel Wilkinson, Heman B. Potter, Jonas Harrison, Ebenezer Walden and Charles Townsend be, and they are hereby appointed trustees of the said village for the ensuing year, commencing the first day of May next. Trustees

CHAP. LXX.

AN ACT to change the punishment of David Williams, who hath been convicted of murder, into imprisonment for life at hard labor.

Passed April 5, 1816.

WHEREAS David Williams was, in the year of our Lord one thousand eight hundred and five, convicted of the murder of Ira Lane, and sentenced to be executed on the eighteenth day of October, in that year; *And whereas* his excellency the governor did suspend the execution of the said David Williams until the session of the legislature, held in the year of our Lord one thousand eight hundred and six; *And whereas*, the execution of the said David Williams hath since been suspended by the legislature until the first day of January next. Preamble.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the punishment of death to which the said David Williams hath been condemned, shall be and is hereby mitigated and changed into the punishment of imprisonment, for life, at hard labor. Punishment
mitigated to
imprison-
ment for life.

II. *And be it further enacted*, That it shall be the duty of the sheriff of the county of Cayuga, on or before the first day of May next, after the passing of this act, to remove the said David Williams from his present place of confinement, and to deliver him to the keeper or keepers of the state prison; and that it shall be the duty of the said keeper or keepers of the state prison to receive the said David Williams into the state prison, and to keep him there at hard labor during his natural life.

CHAP. LXXI.

AN ACT to alter and amend an act, entitled "an act to incorporate the Montgomery Turnpike Company.

Passed April 5, 1816.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That as soon as the president di-

Authorised
to erect a
gate.

Tolls.

Road when
to be com-
pleted.

rectors and company of the Montgomery turnpike road, shall have made and completed four and a half miles of said road, commencing at the Hudson river, and shall have the same inspected and approved according to law, they shall be, and they are hereby authorised and empowered to erect a turnpike gate on such part of said road as they may think proper, and to exact and receive at such gate, from all persons travelling on or using said road, the following toll, to wit : For every waggon drawn by two horses, oxen or mules, six cents, and for every additional horse, mule or ox attached to the same, two cents ; for every cart or other carriage drawn by two horses, mules or oxen (other than pleasure carriages) six cents ; for every cart or waggon drawn by one horse or mule, four cents ; for ever chair, sulkey, chaise or other pleasure carriage drawn by one horse, six cents ; for every charriot, coach, coachee or phaeton, or other four wheeled pleasure carriage, drawn by two horses, twelve and an half cents, and for every additional horse attached to the same, four cents ; for every sleigh or sled drawn by two horses, mules or oxen, four cents, and for every additional horse, or ox, one cent ; for every sleigh or sled drawn by one horse, three cents ; for every horse led or driven, two cents ; for all cattle in droves, or which are driven, one cent each ; for every score of sheep or hogs, four cents, and so in proportion for a greater or less number ; for every stage waggon drawn by two horses, six cents, and for every additional horse attached to such stage waggon, two cents ; *Provided however*, That if the whole of the road contemplated to be made by the act hereby amended, shall not be made and completed within five years from the first day of December next, this act, and every thing therein contained, shall cease and be null and void.

CHAP. LXXII.

AN ACT to amend an act, entitled "*an act to incorporate the Pacific Insurance Company of New-York.*"

Passed April 5, 1816.

Stockhold-
ers not to
transfer till
debts are
paid.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That no stockholder indebted to the said Pacific Insurance Company, shall be entitled or permitted to make any transfer, sale or conveyance of his stock in the said corporation, or to receive a dividend thereon, until such debt be paid or secured to be paid, to the satisfaction of the president, assistant or assistants and directors of the said company ; and unless such debt shall be paid or secured to be paid in manner aforesaid, within three months after the same shall have become due, then such stock of any such debtor, or so much thereof as may be sufficient for that purpose, may be sold by the said corporation, and the proceeds thereof applied towards the satisfaction of such debt.

President
& directors
to regulate
the terms of
payment.

X. *And be it further enacted*, That it shall be lawful for the president and directors of the said company to regulate the amount and terms of payment for the stock subscribed or to be subscribed, and the investment thereof ; *Provided*, The same be not inconsistent

with the provision of the tenth section of the act hereby amended, *Provide*, any thing in the said act to the contrary notwithstanding.

II. *And be it further enacted*, That the said corporation shall not be deemed to be dissolved by reason of the non-election of directors, within the times prescribed for that purpose, by the act hereby amended, or by any other omission, matter or thing which may have occurred prior to the passing of this act; and that Isaac Wright, Stephen Whitney, John T. Lawrence, Charles Wright, Walter Willis, Thomas Buckley, Francis Thompson, Samuel Hicks, John Graham, George Griswold, John H. Howland, Francis De Pau, Austin L. Sands, Perez Jones, John Adams, Robert Center and George Buckmaster, shall be the directors of the said corporation, and shall hold their offices, to all intents and purposes, as such, until the third Monday of January, in the year one thousand eight hundred and eighteen.

Directors.

To hold their offices till 3d Monday in Jan. 1818.

CHAP. LXXIII.

AN ACT to authorise John Mumbrute and Jacob Vrooman to erect a dam across the Oneida Creek.

Passed April 5, 1816.

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be lawful for John Mumbrute and Jacob Vrooman, their heirs and assigns, to build and maintain a dam across the Oneida creek, opposite to the lands now owned by or in the possession of the said John; *Provided nevertheless*, and this grant is upon this express condition, that the said John and Jacob shall erect, maintain and keep in good repair, free from toll, a good and sufficient lock, for the passage of boats to and from the Oneida lake, to be erected at such time and in such a manner as shall be directed by the court of common pleas in and for the county of Madison; and shall, within six months after the passing of this act, make a slope or apron of an ascent that the fish may easily pass over into the waters above the dam: *And provided further*, That it shall and may be lawful for the legislature of this state, at any time hereafter, when in their opinion the public interest shall require it, either to amend or repeal this act.

To erect a dam across Oneida creek.

On what conditions.

CHAP. LXXIV.

AN ACT altering the place of holding Courts in the county of Schenectady.

Passed April 5, 1816.

WHEREAS the supervisors of the county of Schenectady, and the mayor, aldermen and commonalty of the city of Schenectady have, by their petition to the legislature, represented, that a certain agreement has been entered into between the said mayor, aldermen and commonalty, and the aforesaid supervisors, that the said mayor,

Preamble.

aldermen and commonalty, on their part, should finish, in a good and sufficient manner, a building for a court house and gaol for the county of Schenectady, and convey the same, with a lot of ground, to the said county, in consideration of which the supervisors of the county agreed to convey the present court house and gaol to the said mayor, aldermen and commonalty : Therefore,

Agreement
between the
Supervisors
& the Mayor,
&c. confirmed.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the said agreement be confirmed, and that a conveyance executed by the moderator of the board of supervisors, on their part, and by the mayor of the said city, on the other part, shall absolutely and completely vest the property as in said deeds shall be expressed ; and that whenever the judges of the court of common pleas of said county, or any three of them, shall certify that the said city hall, court house and gaol is completed, the courts of the said county may be kept in the said city hall so completed, and the prisoners removed into said gaol, which shall thereafter be the court house and gaol of the said county.

CHAX. LXXV.

AN ACT to amend the act, entitled "*An act concerning Apprentices and Servants.*"

Passed April 5, 1816.

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall and may be lawful for the grand father or grand mother of any poor child or children, who has been, or hereafter shall be ordered and directed to relieve and maintain every such poor child or children, by virtue of the act, entitled "*An act for the relief and settlement of the poor,*" passed April 8, 1813, by and with the consent of the overseers of the poor of the town where such grandfather or grandmother resides, to bind out such child or children, to be apprentices or servants, according to their degree and ability, when they shall see convenient, until such child or children, if male, shall respectively arrive or come to the age of twenty one years, and if female to the age of eighteen years; notwithstanding that the father or mother of such child or children should be alive, and that the indentures or articles of agreement for binding every such child, shall be as effectual, to all intents and purposes, as if such child was of full age, and by indenture of covenant bound him or herself ; and the counterpart of such indenture or articles, for the benefit of the person so bound, shall be deposited with the clerk of the city or town in which such binding shall take place, for safe keeping ; and that the said indentures shall contain the like provisions as are required by the act hereby amended.

THIRTY-NINTH SESSION.

49

CHAP. LXXVI.

AN ACT further to amend an act, entitled "an act to authorise the building of a toll bridge over the Mohawk River," passed April 9, 1811.

Passed April 5, 1816.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the time limited in the fifth section of the act hereby amended, for completing the said bridge, be, and the same is hereby further extended to the first day of January, one thousand eight hundred and nineteen; and that the company by the said act incorporated, is hereby declared to be in full force, notwithstanding their omission to complete the said bridge in the time specified in said act, and the act amending the same, passed April 18, 1815; and that the said company have the like privileges, and be liable to the like disabilities, as are contained and expressed in the said acts.

CHAP. LXXVII.

AN ACT for the pardon of Thomas Burke.

Passed April 3, 1816.

WHEREAS Thomas Burke, at a court of oyer and terminer and general gaol delivery, held in and for the city and county of New-York, on the thirtieth day of November, one thousand eight hundred and fifteen, was convicted of the murder of Hannah Burke, his wife, and sentenced to be executed on the third Friday of January last: *And whereas* his excellency the Governor did suspend the execution of the said Thomas Burke: *And whereas*, for reasons satisfactory to the Legislature, it is deemed proper to pardon the said Thomas Burke, upon certain conditions: Therefore,

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the said Thomas Burke be, and he is hereby pardoned and discharged from the felony and conviction aforesaid, and all execution and forfeitures thereon. *Provided nevertheless*, that the said Thomas Burke shall be confined in the state prison for and during his natural life, at hard labor. *And provided further*, that the said Thomas Burke shall in all things submit and consent to such confinement.

CHAP. LXXVIII.

AN ACT authorising the building a fire proof Clerk's Office, in the county of Onondaga.

Passed April 5, 1816.

I. Be it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall be the duty of the

2000 dollars
to be levied.

How col-
lected.

Commis-
sioners.

Money to be
paid over to
them.

Their ac-
counts to be
audited.
Overplus to
be paid into
the treasury

supervisors of the county of Oneida, and they are hereby authorised and required, at their next annual meeting, to cause the sum of two thousand dollars to be levied on the freeholders and inhabitants of the said county, together with the additional sum of five cents on each dollar, for collecting the same; which said sums shall be raised, levied and collected in the same manner as the other contingent charges of the said county are raised, levied and collected.

II. *And be it further enacted*, That Charles C. Broadhead, Francis A. Bloodgood and Joseph Jennings be, and they are hereby appointed commissioners, to purchase a lot, contract for, superintend and cause to be erected, in the village of Utica, in such place as they or a majority of them may deem proper, a good and sufficient fire proof building, for the safe keeping the books, records and all the public papers of the said county of Oneida. And when the said building shall be completed, the said books, records and papers shall be removed thereto, and the same shall thereafter be the clerk's office of the county of Oneida.

III. *And be it further enacted*, That the treasurer of the county of Oneida shall, and he is hereby required to pay over to the order of a majority of the commissioners before named, the sum of money directed to be raised in and by the first section of this act; and the said commissioners, as soon as the said clerk's office shall be completed, shall exhibit to the supervisors of said county a just and true account of their expenditures; and the said supervisors shall audit the said accounts, and if satisfactory to them, allow the same; and the overplus money, if any there be, shall by them, within thirty days thereafter, be paid into the treasury of the county of Oneida.

CHAP. LXXIX.

AN ACT regulating the working of highways in the towns of Rye and Mamaroneck.

Passed April 5, 1816.

Preamble.

WHEREAS the inhabitants of the towns of Rye and Mamaroneck, in the county of Westchester have, by their petitions to the Legislature, represented that a great part of the road in the said towns is turnpike road, and is maintained by the president and directors of the Westchester turnpike road, and that the quantity of labor required by law is not necessary to keep in repair the residue of the roads in the said towns, and praying relief in the premises: Therefore,

Highway
work how
assessed.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That the commissioners of highways in the towns of Rye and Mamaroneck, shall not assess upon the inhabitants of any road district thereof, subject to work upon highways, a greater number of days than such commissioners shall judge necessary to keep the roads in such district in repair, any thing in the act, entitled "an act to regulate highways," to the contrary notwithstanding. *Provided always*, that each inhabitant shall be assessed at least one day in each and every year; and that whenever it shall happen that a greater quantity of work shall be required

to keep the said roads and highways in repair, than shall have been assessed by the said commissioners, such excess shall be assessed upon the inhabitants of the said towns subject to work upon highways, in the manner and in such proportion as shall appear to the said commissioners right and reasonable, having due regard to the property and abilities of the persons liable to work on said highways, taking into consideration at the same time the labor already performed in the same year by the several persons so liable to work on said highways.

Assessment may be increased.

II. *And be it further enacted*, That the act, entitled "an act Former act regulating the working of highways in the town of Mamaroneck," repealed. passed April 14th, 1815, be and the same is hereby repealed.

CHAP. LXXX.

AN ACT to enable the Mayor, Recorder and Aldermen of the city of New-York to raise money by tax.

Passed April 5, 1816.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That the mayor, recorder and aldermen of the city of New-York, as the supervisors of the city and county of New-York, or a majority of them, of whom the mayor or recorder shall be one, shall be and hereby are empowered as soon as conveniently may be after the passing of this act, to order and cause to be raised by tax on the estates, real and personal, of the freeholders and inhabitants of, and situated within the said city, and to be collected, a sum not exceeding ninety thousand dollars, to be applied to the support and maintenance of the poor of the said city and county, the support and maintenance of criminal persons, the support and repairs of the bridewell of the said city, the repairing and taking care of other public buildings of the said city belonging to and under the custody and care of the mayor, aldermen and commonalty of the city of New-York, the making, regulating, repairing and improving the public roads in said city and county, the defraying of other contingent expenses arising within and properly chargeable to the said city and county, and for defraying the expenses which the mayor, aldermen and commonalty of the said city of New-York may sustain or be put to in executing the powers vested in them by the act passed the 9th day of April, 1813, entitled "an act to reduce several laws relating particularly to the city of New-York into one act," and for supplying the deficiencies of former taxes upon any and every of the wards of the said city, owing to the insolvency or inability of the collectors of the said wards, or any or either of them or others, and fees of collection not heretofore provided for; such deficiencies however to be assessed on the estates, real and personal, of the freeholders and inhabitants of and situate within the said wards respectively where they shall happen as aforesaid; and also a further sum, not exceeding seventy thousand dollars, by a tax on the estates, real and personal, of the freeholders and inhabitants of and situate within the said city, to the southward of a line beginning at the North river at a place called Deklyne's ferry, a little to the northward of the state prison, and running thence easterly in front of the new bank houses,

Tax not to exceed 90,000 dols.

How to be applied.

A further sum, not exceeding 70,000 dls. may be assessed.

For support
of a watch,
&c.

to the road called Sandy Hill road, and through the said road to the northward of Pottery-field and the house of William Neilson, to the Bowery road, and across the Bowery road to a road commonly called Stuyvesant street, and through the middle thereof to the East river, to be applied to the payment of so many watchmen as the mayor, aldermen and commonalty of the city of New-York, in common council convened, shall appoint and employ for watching and guarding the said city, to the purchasing of oil, providing lamps and putting up the same, and repairing, cleansing and lighting those which now are or hereafter may be erected within that part of the said city last described, to the cleansing and repairing public wells and pumps in the said city, and to defray the other contingent expenses arising within and properly chargeable to that part of the said city to the southward of the line aforesaid, as the said mayor, aldermen and commonalty, in common council convened, may from time to time direct, and for supplying the deficiency of former taxes upon the same part of the said city last described, owing to the insolvencies and fees of collectors not heretofore provided for; such deficiencies however to be assessed on the estates, real and personal, of the freeholders and inhabitants of and situated within the said wards respectively, where they shall happen as aforesaid, to the southward of the line aforesaid.

Taxes how
collected.

To whom
paid.
At what
time.

III. *And be it further enacted*, That the said several sums of money shall be assessed in manner directed by the act, entitled "an act for the assessment and collection of taxes," and each person's tax in one ward shall be collected in one payment, and the monies so collected, paid into the hands of the treasurer or chamberlain of the said city, at such times after the passing of this act as the said mayor, recorder and aldermen, as the supervisors of the city and county of New-York, or a majority of them, of whom the mayor or recorder shall be one, shall appoint and direct.

Collector's
fee.

IV. *And be it further enacted*, That it shall be lawful for the collectors of the first, second and third wards of the said city, to retain in their hands three cents on each dollar by them collected; the collectors of the fourth, fifth, sixth, seventh, eighth and tenth wards of the said city, to retain in their hands five cents on each dollar by them collected, and the collector of the ninth ward of the said city to retain in his hands six cents on each dollar by him collected, and no more, as a full compensation to each of the said collectors respectively, for their trouble in collecting and paying to the said treasurer or chamberlain the monies which shall be raised by virtue of this act.

And whereas doubts have been entertained, whether the third section of the act, entitled "an act for the assessment and collection of taxes," does apply to the city of New-York; therefore, for the removal of such doubts,

Assessments
to be made
annually.

V. *Be it further enacted*, That the said third section of the said act is not to be considered to apply to the assessment of real estates within the city and county of New-York, but that such assessments shall be made yearly under the annual tax laws for the said city and county, in the manner directed by the second section of the said act, entitled "an act for the assessment and collection of taxes;" and that the supervisors of the said city and county shall be, and are authorised, at such time as they may deem meet, to add to or deduct

From the valuation in any ward, such a per centum as in their opinion may be necessary to produce a just relation between all the valuations of all real estates in the said city and county.

Superintendent
to graduate
a valuation
of real es-
tates.

CHAP. LXXXI.

AN ACT relative to the duties and powers of Commissioners of estimate and assessment on opening Streets and Avenues.

Passed April 5, 1816.

WHEREAS the mayor, aldermen and commonalty of the city of New-York have, by their memorial to the Legislature, represented, that so much of the existing law in relation to the opening and improving streets in the said city, as confines the commissioners' assessments for benefits within certain local limits, is inconvenient in its operation, and have prayed that the said law may be amended in that particular; and whereas the said prayer appears proper to be granted: Therefore,

Preamble.

I. BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That whenever commissioners of estimate and assessment may hereafter be appointed by the supreme court of judicature of this state, or by any one of the justices thereof, for the purpose of opening any street or avenue, or any part or section of any street or avenue, laid out by the commissioners of streets and roads in the city of New-York, under and by virtue of the act, entitled "an act relative to improvements touching the laying out of streets and roads in the city of New-York, and for other purposes," passed April 3d, 1807, or for the purpose of opening, extending, enlarging, straightening, altering, or otherwise improving any street, or part of a street, or public place, already laid out or hereafter to be laid out, in that part of the said city not laid out into streets, avenues, squares and public places, by the commissioners aforesaid, the said commissioners of estimate and assessment shall not, in making their estimate and assessment of the value of the benefit and advantage of the said operation, be confined to any definite limits, but shall be and hereby are authorised to extend such estimate and assessment to any and all such lands, tenements, hereditaments and premises as they may deem to be benefited by the said operation, and which they may judge expedient to include in their report on the premises: *Provided*, that in all and every case of opening any street or avenue, or part or section of any street or avenue, laid out by the aforesaid commissioners of streets and roads, the said commissioners of estimate and assessment shall not be at liberty to extend such estimate and assessment of the value of the benefit and advantage thereof to any lands, tenements, hereditaments or premises, lying on either side of such street or avenue, and beyond half the distance of the next street or avenue thereto.

Commissioners of estimate not restricted, but to extend it to all lands benefited, and which they may include in their report.

Assessments limited.

II. And be it further enacted, That the authority herein and hereby given to commissioners of estimate and assessment hereafter to be appointed as aforesaid, is hereby vested in all the commissioners of estimate who have heretofore been appointed by the said supreme court, for any of the purposes aforesaid, and who have not yet made their report

Powers of present and future commissioners the same.

Same powers given to the commissioners for opening Madison st. of estimate and assessment to the said court in the premises. *And further*, that the like authority is vested in the commissioners of estimate and assessment, who may be hereafter appointed for the purpose of performing the duties relative to the opening and extending of Hudson street to the ninth avenue.

CHAP. LXXXII.

AN ACT to enable the Trustees of the Methodist Episcopal Church in the city of Albany to sell a lot of ground therein mentioned.

Passed April 5, 1816.

Preamble.

WHEREAS the trustees of the Methodist Episcopal church in the city of Albany, have by their petition represented, that they own a lot of ground in the first ward of the city of Albany, granted to them by the corporation of the said city; praying that they may be authorised to sell the same: Therefore,

Methodist church authorised to sell a lot in Albany.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the trustees of the methodist episcopal church in the city of Albany, to sell, dispose of and convey, in fee simple, all that lot of ground situate in the first ward of the city of Albany, which was granted and conveyed to the said trustees by the mayor, aldermen and commonalty of the city of Albany.

CHAP. LXXXIII.

AN ACT to alter the act, entitled "*an act to incorporate the Snake Hill Turnpike Road Company,*" passed 24th March, 1815.

Passed April 5, 1816.

Preamble.

WHEREAS the president, directors and company of the Snake Hill turnpike road have, by their petition under their corporate seal, represented to this Legislature, the propriety and expediency of certain alterations in their act of incorporation: Therefore,

Capital may be increased 100 shares.

I. BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the president, directors and company of the Snake Hill turnpike road, shall have power to increase their capital stock, by receiving subscriptions for any additional number of shares, not exceeding one hundred shares, at twenty dollars for each share, that they may deem requisite to effectuate the object of their incorporation.

II. And be it further enacted, That the chord of the arch of said road shall be of the width of twenty-four feet only, independent of the ditch.

CHAP. LXXXIV.

AN ACT *for the relief of Jacob L. Larzelere.*

Passed April 5, 1816.

WHEREAS Jacob L. Larzelere owns four hundred and fifty acres of lot number fifty-seven, in the township of Sterling, in the county of Cayuga; and the said Jacob L. Larzelere being desirous of erecting mills on his said land, but has discovered that it will overflow the lands belonging to the people of this state:

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the commissioners of the land office are hereby authorised and directed to cause to be granted and issued, letters patent to Jacob L. Larzelere, conveying and granting to him in fee, the remainder of lot number fifty-seven, in the township of Sterling, in the county of Cayuga, excepting four hundred and fifty acres that was granted to John Pope, the fifth day of April, in the year of our Lord one thousand eight hundred and three; he the said Jacob L. Larzelere paying therefor at and after the rate of which the said lot shall be appraised by the surveyor general of this state, one eighth part of the said consideration money to the treasurer of this state before granting the said letters patent, and within six months after the said lot is appraised; and executing his bond and mortgage on the said lands, to the comptroller of this state, or to the people thereof, for the residue of the said consideration money, payable in six equal annual instalments, with interest at the rate of seven per centum annually.

Letters patent to J. L. Larzelere, except 450 acres.

To be appraised 1-8th to be paid before letters patent issue, residue on mortgage.

CHAP. LXXXV.

AN ACT *authorising the building a new State Prison in the Western District of this State.*

Passed April 12, 1816.

I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That Elijah Miller, James Glover and John H. Beach be, and they are hereby appointed commissioners, for the purpose of building a new state prison in the village of Auburn, in the county of Cayuga; and they are hereby authorised to procure a suitable site for the same, for the state, and to build a state prison thereon, similar to the one now in use in the city of New-York, with such variations as they shall think will best promote the interest of such institution: And the treasurer is hereby directed to pay over to the said commissioners, on the warrant of the comptroller, such sum or sums of money as they may want for the purposes of building said prison, not exceeding the sum of twenty thousand dollars, at such times as the same may be wanted for that purpose, out of any monies in the treasury not otherwise appropriated: Provided, that the commissioners shall not purchase any lands for the purpose aforesaid, but shall agree with the proprietors of any lands to grant the same; and before the site is fixed, they shall

Commissioners.

Provide.

receive a deed for such land from the owners thereof to the people of this state.

II. *And be it further enacted,* That the said commissioners appointed under this act, before they enter upon the duties of their office, or be entitled to receive any monies, shall give their bond, jointly and severally, to the people of this state, with sureties to be approved by the comptroller of this state, for the sum of fifty thousand dollars, in the condition faithfully and punctually to perform the duties required of them by this act. And it shall be the duty of the said commissioners to make a detailed report of all appropriations, and the state and progress of the building, to the comptroller of this state, on or before the next meeting of the Legislature, and as often thereafter as the comptroller shall from time to time require.

III. *And be it further enacted,* That the commissioners appointed by this act, shall submit the plan of such state prison to the chancellor and judges of the supreme court, whose approbation, or the approbation of a majority of them, shall be necessary to such plan, before the commissioners shall commence the building of the said prison. And the place fixed upon for the site shall be approved of by one of the judges of the supreme court.

CHAP. LXXXVI.

AN ACT directing the redemption of the lands lately sold for quit-rents, and further to amend the act relative to quit-rents.

Passed April 12, 1816.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly,* That the comptroller of this state shall ascertain the several amounts necessary to redeem the lands sold by him for quit-rents, in the month of November last, calculating the interest to the day of the passing of this act, which several amounts, when so ascertained, he shall place to the credit of the purchasers of the land so sold respectively; and thereupon the said land shall be considered as redeemed, and be as effectually released from said sale, as if such sale had never been made; and the said sums to be so as aforesaid credited, shall be paid over to the persons entitled to the same: *Provided however,* that this act shall not be considered as discharging the quit-rents, for which said sales were made, but the said quit-rents, together with the charges of advertising and of sale, and also the interest thereon, to be calculated as aforesaid since the sale, shall be and remain a lien on the lands charged with the quit-rents before the sale, until the same quit-rents be paid or collected according to the provisions of this act.

II. *And be it further enacted,* That all lands, upon which arrears of quit-rent to the twenty-fifth day of March, in the year one thousand eight hundred and fourteen, have been paid, shall be, and are hereby declared to be forever released from all quit-rents, as well future as past; and that in all cases where a sale shall be made, to raise the quit-rents due on any tract of land, such tract of land shall be and is hereby declared to be as completely released from quit-rents, as if the same

Duty of the commissioners.

Plan of the prison to be submitted, &c.

Lands sold for quit-rent Nov. 1815, to be redeemed.

Proviso.

Lands on which quit-rents were paid to Mar. 25, 1814, to be forever released.

had been discharged by the payment of the arrears and commutation thereon.

III. *And be it further enacted,* That all lands belonging to any Church church or literary institution, within this state, whether originally granted to such church or literary institution, or subsequently acquired by purchase or gift, shall be and the same are hereby declared to be released from all quit-rents.

IV. *And be it further enacted,* That all lands upon which the owners shall within two years from the first day of May next, pay in money sixty per centum of what the arrears of quit-rents and of the commutation for future quit-rents on their lands amount to at the time of payment, shall be forever released from quit-rent; and the owners of land in the patents in which sales were made in November last, as aforesaid, may be discharged from the lien on their lands, by paying a like proportion of the sums owing by them respectively.

V. *And be it further enacted,* That where there are or may be several owners or proprietors of any tract of land, and for the arrears of quit-rent upon which a sale of the whole or any part of such tract of land shall be made, it shall and may be lawful for any one or more of such owners or proprietors, at any time before the expiration of eighteen months after such sale, whether such tract shall be situated in one town, or in several towns or counties, to put up an advertisement at some public place or places, on the said land, notifying and requiring all the owners and proprietors of said land to meet at a certain time and place therein to be specified, not less than ten nor more than twenty days from the setting up such advertisement, to raise and pay the amount necessary to redeem the lands so as aforesaid sold, and such of the owners and proprietors of the said tract, out of which the sale may have been so as aforesaid made, as shall then meet, may proceed to choose, by plurality of voices, two assessors and one collector; and the assessors so chosen shall procure from the comptroller of this state, an account of the sum which will be necessary to redeem the said land, calculating the interest for six months after the time of choosing the said assessors and collector, and shall then proceed to make an assessment roll, containing the names of the owners or proprietors of the said land, where they can ascertain them, and the quantity of land to which they are respectively entitled, and the sum with which each of them, or with which each parcel of land is chargeable of said redemption monies, according to the quantity of land which every person, known or unknown, may be entitled to in the said patent or tract, with an addition of six per cent. for charges, taking care specifically to describe the lands of such persons as are not residents on the land, and subscribe their names to the said assessment roll, and annex the account received from the comptroller to it, and within forty days from the time they were chosen, deliver the same to the collector, so chosen as aforesaid, who shall collect from the several persons named in such assessment roll, resident on the said land, the several sums they shall be respectively charged with, in the same manner as the collectors of public taxes are or shall be empowered to do by law; and shall within one hundred and ten days after he receives such assessment roll, pay the sums by him received or collected thereon, for the redemption aforesaid, to the treasurer of this state, and deliver the said assessment roll

to the comptroller, with a certificate thereon, signed by such collector, if the whole sum mentioned thereon is not paid, setting forth which of the persons therein named are delinquents and the lands, if any, of owners unknown, which remains unpaid, and the reasons why the charges remaining unpaid could not be levied: And such collector shall also pay one sixth part of such part of the said six per cent. as he shall collect, to the assessors for their trouble, and retain the residue as a compensation for his services; and the comptroller shall sell the lands of the delinquents, whether residents or non-residents, or so much of each piece or parcel, as returned to him, as may be necessary to raise the amount due on each respectively, with the expense of advertising and of sale, first giving notice of the sale in the manner prescribed in and by the act entitled "an act to amend the act entitled an act concerning quit-rents," passed the fourteenth day of October, one thousand eight hundred and fourteen.

Notice to be given relative to the redemption of quit-rents

VI. *And be it further enacted*, That at least twelve months before the time for the redemption of any lands sold for quit-rents shall expire, it shall be the duty of the comptroller to give notice thereof in one of the newspapers published in each of the counties in which quit-rents are by patents reserved to be paid, once a week for at least thirteen weeks successively.

Patents subdivided how to be charged.

VII. *And be it further enacted*, That it shall be the duty of the comptroller, at all future sales for quit-rents, in all cases where he can ascertain to his satisfaction, how any patent liable to be so sold has been subdivided, in whole or in part, to sell out of each separate lot or subdivision, for the quit-rents due on each respectively.

Time allowed for redemption.

VIII. *And be it further enacted*, That two years from and after the day on which any sales of lands for quit-rents shall close, shall be allowed for the redemption of any lands sold during such sale in any one year.

When lands of one person is sold for the quit-rent of another, how to be remedied.

IX. *And be it further enacted*. That if at any sales for quit-rents, the lands of any one person shall be sold, not only for the quit-rents on the lands of such person, but also on the lands of some other person or persons, every such person whose lands may have been or shall be so sold, shall if he redeem the land so sold as provided by law, be entitled to recover, in any court of competent jurisdiction, from such other person or persons, a just proportion of the redemption monies so paid with legal interest until collected.

Copies of this act to be printed and distributed.

X. *And be it further enacted*, That it shall be the duty of the comptroller, to cause such a number of copies of this act to be printed, as shall be equal to the whole number of towns within this state, and thereupon to transmit by mail, at the expense of this state, to each county treasurer in this state, in which quit-rents are reserved or remain due, a number sufficient to furnish each town with one copy; and it shall be the duty of said county treasurers respectively, at the next annual meeting of the supervisors of their counties respectively, to deliver to the supervisors of each town respectively, one copy; and it shall be the duty of the said supervisors respectively, to read or cause the same to be read at the then next town meeting for the choice of town officers in order that all may have an opportunity of becoming acquainted with its provisions.

XI. *And be it further enacted*, That the act, entitled "an act

for the limitation of criminal prosecutions, and of actions at law," The operations of a certain act when to take effect shall not take effect or be in force, as to quit-rents, or any proceeding for the recovery of the arrears thereof, until the first day of January, which will be in the year of our Lord one thousand eight hundred and thirty.

CHAP. LXXXVII.

AN ACT to incorporate a School for People of Color, in the city of Albany.

Passed April 12, 1816.

WHEREAS Thomas Latimore, Francis Jacobs, Thomas Elcock, Samuel Edge, John Edward, Baltus Hugenon and John Williams, free people of colour, have by their petition represented that they have been enabled, chiefly by the liberality of the citizens of Albany, to purchase a lot of ground in the city of Albany, and to erect a building thereon, for a school house, to give people of color and their children the advantage of education; and have prayed, that for the better management of their property, and regulation of their school, an act might be passed to incorporate them, and to vest the said lot and building in the corporation so to be created: Therefore,

I. BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the said Thomas Latimore, Francis Jacobs, Thomas Elcock, Samuel Edge, John Edward, Baltus Hugenon and John Williams, shall be and hereby are constituted and declared to be a body corporate and politic, in fact and in name, for the purpose of educating people of color and their children, by the name of the "Albany School for educating People of Color," and shall by that name have and enjoy the usual incidental rights, powers and privileges of a corporation aggregate; *Style, &c.* *T. Latimore and others incorporated.* *Lot vested to them.* *Trustees.* *Provided,* That the yearly income of any real and personal estate held by the said corporation, shall not exceed the sum of one thousand dollars.

II. And be it further enacted, That the lot of ground above mentioned, particularly described in an indenture of the sixteenth day of June, one thousand eight hundred and twelve, from Benjamin Latimore, junior, to Benjamin Latimore, Francis Jacobs, Thomas Elcock, Samuel Edge, John Edward, Richard Landerson, Baltus Hugenon, John Williams and John De Peyster, and the building thereon, shall be and the same are hereby vested in the said corporation.

III. And be it further enacted, That there shall be seven trustees of the said corporation, who shall conduct and manage all the affairs thereof, any four of whom shall constitute a quorum for such purpose: That Benjamin Latimore, Francis Jacobs, Thomas Elcock, Samuel Edge, Baltus Hugenon, John Williams and Richard Thompson, shall be the trustees; and whenever any vacancy or vacancies shall happen in the office of a trustee or trustees, by removal from the city of Albany, resignation or death, the remaining trustees or trustee shall and may fill such vacancies.

CHAP. LXXXVIII.

AN ACT to raise monies for building a new Court-House and fire proof Clerk's Office, in the county of Ulster.

Passed April 12, 1816.

One mill on the dollar to be assessed.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly,* That it shall be the duty of the supervisors of the county of Ulster, at their next annual meeting, to raise the sum of one mill on the dollar, on all the property in the county of Ulster, and now subject to the state tax, to be levied and collected in the same manner as the state tax is now raised, levied and collected, for the purpose of building a court-house and gaol in the village of Kingston, in said county, and a fire proof clerk's office : And it shall be the further duty of the supervisors of the said county, and they are hereby required, annually thereafter, to raise such further sum of money, not exceeding in the whole the sum of twenty-five thousand dollars, as shall be requisite to complete the said buildings, not less in any one year than one mill on the dollar, nor exceeding two mills on the dollar, in any one year.

Commissioners.

II. *And be it further enacted,* That Jacob Ten Broeck, John Beekman, and James Cockburn, shall be the commissioners to superintend the said buildings, each of whom shall receive for every day of their actual attendance on the said business, the sum of two dollars and fifty cents, to be raised by the supervisors of the said county, and levied and collected as other county charges are : And before the said commissioners, or a majority of them, shall be authorised to receive the said money from the treasurer, for building the said court-house and fire proof clerk's office, the said commissioners shall deposit with the treasurer of the said county, and for the benefit of said county, their joint and several bond, with such surety or sureties as the supervisors of the said county, or the majority of them, shall approve, in the penal sum of ten thousand dollars, and conditioned for the due performance and expenditure of all monies which shall or may come to their or either of their hands, for the purposes aforesaid ; which bond shall be executed to the people of this state : And it shall be the duty of the said commissioners, annually, to account to the supervisors of the said county, for all monies by them received and expended in the execution of the trust aforesaid : And it shall and may be lawful for the supervisors of the said county, at any time, in case of the death or removal of any of the said commissioners, or in case of their or either of their defalcation in duty, and justly accounting for the monies which shall come to their hands as aforesaid, to remove all or either of them, and to appoint other commissioners in his or their place and stead, they complying with the provisions of this act, in giving the requisite security.

Their duty.

Buildings how to be erected.

III. *And be it further enacted,* That it shall be lawful for the said commissioners, by and with the advice and consent of a committee of three persons, to be appointed by the board of supervisors of the said county, or the major part of them, to contract for the erection of the said buildings, in the whole or in part, and upon such terms as to them shall seem fit and proper : And the said court-house,

gaol and fire proof clerk's office shall be built on the lot on which the present court-house and gaol are situated, according to such plan as shall have been previously agreed upon by the board of supervisors.

IV. *And be it further enacted*, That it shall and may be lawful for the sheriff of Ulster county, to use the court-house and gaol of the county of Dutchess, for the safe keeping of felons and other prisoners of the said county, in case it shall be necessary for their safe keeping; and when prisoners shall be so confined, the gaol of the county of Dutchess shall be considered to all intents and purposes the gaol of the county of Ulster; and the sheriff of the said last mentioned county, shall be liable in the same manner for all escapes, as if the said prisoners were confined in the present gaol of the said county of Ulster.

V. *And be it further enacted*, That the board of supervisors of the said county may, in their discretion, at their next meeting, by a vote of the majority of supervisors, postpone raising, assessing, levying and collecting the tax to be raised for the before mentioned purposes, for one year, any thing herein to the contrary notwithstanding.

CHAP. LXXXIX.

AN ACT for the better support and maintenance of the Public Bridges in the town of Whitestown, in the county of Oneida.

Passed April 12, 1816.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for the inhabitants of the town of Whitestown, in the county of Oneida, qualified to vote in town meeting, from time to time, at any annual town meeting to be hereafter held in said town, to raise yearly by vote, such sum of money to be levied on said town, for the building, support and maintenance of the public bridges in said town, as the inhabitants of said town, in such meeting assembled, may deem proper and necessary, not exceeding one cent in the dollar of the taxable property of the said town, any thing contained in any act heretofore passed to the contrary notwithstanding; which sums of money so voted, the supervisors of the said county of Oneida shall cause yearly to be levied and collected, on the inhabitants of said town, and paid over in the manner in which the like taxes for the support and maintenance of bridges have been heretofore levied and collected:

And whereas, the inhabitants of the said town of Whitestown, at their last annual town meeting, did vote to raise by tax, on said town, the sum of five hundred dollars, in addition to the sum of two hundred and fifty dollars, also at the same meeting voted to be raised, to be applied to the building and maintenance of the public bridges in said town, for the year one thousand eight hundred and sixteen.

II. *Be it further enacted*, That the same shall be, and hereby is declared to be valid; and the supervisors of the said county shall and are hereby directed to cause the amount of such sums of money, voted as aforesaid, at their next annual meeting, to be assessed, levied and collected on the said town, and paid over in the manner in which

the taxes for the same purpose have been heretofore assessed, levied, collected and paid over, pursuant to the acts in such case provided.

CHAP. XC.

AN ACT for the sale of certain unappropriated lands, in the county of Otsego.

Passed April 12, 1816.

I. BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the surveyor general be and he is hereby directed to sell the unappropriated lands in the towns of Westford, Maryland and Milford, in the county of Otsego, in the manner directed for the sales of lands belonging to the people of this state, by the act, entitled "an act concerning the commissioners of the land office, and the sale of unappropriated lands," passed the sixth day of April, one thousand eight hundred and thirteen; and that the occupants of said lands shall, until the expiration of one year from the passing of this act, be entitled to the like privileges as were granted to Thomas Hinckley and others, by the twenty-fourth section of the act.

II. And be it further enacted, That the treasurer shall, on the warrant of the comptroller, pay over one half of the monies that shall accrue from such sales, to such academy or academies, as the regents of the university shall direct, and the other half thereof shall be credited to the common school fund.

III. And be it further enacted, That the act, entitled "an act directing the sale of certain lands for the benefit of academies," passed April twelfth, one thousand eight hundred and thirteen, and the act to amend the same, passed April first, one thousand eight hundred and fourteen, be and the same are hereby repealed.

CHAP. XCI.

AN ACT for the relief of Parmenio Adams.

Passed April 12, 1816.

WHEREAS Parmenio Adams, late paymaster of the New-York volunteers, under the command of general Peter B. Porter, represents, by his petition to this legislature, that at the expiration of the term of service of the said corps, he had not funds to pay them; and that to make them an advance in cash to enable them to return to their respective homes, he borrowed on his own and others responsibilities, three thousand dollars, sufficient for that purpose, and that before he received any funds from the government to repay the same, he became accountable to pay one hundred and fifty-one dollars and fifty cents interest on the said sum, for which he prays relief: Therefore,

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the treasurer shall, on the warrant of the comptroller, pay unto Parmenio Adams, late paymas-

ter of the New-York volunteers, the sum of one hundred and fifty-one dollars and fifty cents, for the above purpose.

CHAP. XCII.

AN ACT *for the relief of Thomas Nixon.*

Passed April 12, 1816.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly,* That the treasurer pay, on the warrant of the comptroller, unto Thomas Nixon, the sum of two hundred and forty-four dollars and twenty-five cents, paid by him for arrears of county and town taxes, interest and charges, on two thousand eight hundred and twenty-nine acres of land, in the north-east corner of township number five, in Totten and Crossfield's purchase, and for an assessment or tax laid thereon for opening and making a road from Albany to the river St. Lawrence, as belonging to him, the same having been paid by mistake.

II. *And be it further enacted,* That the comptroller shall be and is hereby authorised and directed to sell in the city of Albany, whenever he shall first sell other lands for the non-payment of taxes, the said two thousand eight hundred and twenty-nine acres of land, in the said north-east corner of township number five, in Totten and Crossfield's purchase, or so much thereof as may be necessary to raise the said sum of two hundred and forty-four dollars and twenty-five cents, together with the expense of advertising, selling and conveying the same; and that he shall give the like notice for the sale of said lands, as for the sale of lands charged with arrearages of taxes, under the act for the assessment and collection of taxes; and that the sale shall in all respects be on the same conditions and reservations, and with the same effect, as sales made pursuant to the said act for the assessment and collection of taxes.

CHAP. XCIII.

AN ACT *relative to the Arsenal and Lot in the city and county of Albany.*

Passed April 12, 1816.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly,* That the first section of the act, entitled "an act for the sale of the arsenal in the city and county of Albany," be and the same is hereby repealed.

II. *And be it further enacted,* That it shall and may be lawful for the commissary general, by and with the consent of the person administering the government, to lease said lot, or so much thereof as has not already been leased, from time to time, for such sum as he shall deem proper, and for a term not exceeding one year at any one time

CHAP. XCIV.

AN ACT for draining the great marsh or swamp, on the Canasara Creek, in the towns of Sullivan and Lenox, in the county of Madison, and for other purposes.

Passed April 12, 1816.

Proprietors
may cut canals or
ditches.

I. BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the proprietors of the land overflowed by the waters of the Canasara creek or otherwise, on the northerly side of the Seneca turnpike road, called the Great Marsh, in the towns of Lenox and Sullivan, in the county of Madison, to drain the same by one or more canals or ditches, to be cut and opened from the said marsh or creek, by the most direct and convenient route or course into the Oneida lake; and also, if necessary, by such lateral canals and ditches, to be cut and opened from said marsh or swamp to the main canal or ditch aforesaid; and for that purpose, and as often afterwards as may be necessary, to carry into effect all the objects of this law, to meet together at such time and place as shall be notified by one or more of said proprietors, by advertisement, to be inserted in both of the newspapers printed at Utica; and when convened, by a vote of the majority, to appoint a treasurer and clerk, of the proprietors, and such other agent or agents as they may deem necessary to effect the object aforesaid; and also to make such contracts and pass such resolutions as may be fit and proper for the purposes aforesaid: *Provided however,* That no pecuniary tax or assessment shall be imposed on any of the proprietors, or their lands, except as is hereafter provided.

How to be
carried into
effect.

Proviso.

Commissioners to be
appointed.

Their duty.

II. And be it further enacted, That three commissioners, not interested in said lands, upon the petition of the treasurer, to be appointed as aforesaid, shall be appointed by the court of common pleas, in and for the county of Madison, whose duty it shall be to assess and impose, from time to time, upon the lands of said proprietors, as soon thereafter as conveniently may be, as will in their opinion, be in any wise benefitted or made more valuable, by reason of the cutting of said canal or canals, such sum or sums of money, as they the said commissioners, or any two of them, may or shall think reasonable and just (having reference to the benefit to be received by each of the said proprietors) towards defraying the expenses of the operations aforesaid and the subsequent repairs of such canal or canals, not exceeding however two dollars per acre: And before any such commissioner shall enter upon the duties of his office, he shall take an oath before any justice of the peace, or other officer authorised to administer oaths, that he will faithfully and honestly execute the duties committed to him by this act.

Accounts
how to be
audited, &c.

III. And be it further enacted, That it shall be the duty of said commissioners, or any two of them, to audit and settle all accounts whatever of said treasurer, and all other persons in any manner concerned in the undertaking aforesaid, and as often as may be necessary to make up in writing a report or list of the lands assessed by them as aforesaid, with the amount assessed on each lot or piece of land, and deliver the same to the said treasurer, who shall thereupon,

and within one month thereafter give notice of such assessment, in one news-paper printed in Utica, and in the paper printed by the printer of this state, in the city of Albany, to be continued in said newspapers, once in each week, for eight weeks successively, requiring all persons interested in said lands to make payment to said treasurer, of the sums assessed on the lots or pieces of land in said notice mentioned, on or before the expiration of six months after date of said notice; and in all cases of default of such payment, it shall be the duty of said treasurer to report the same to the comptroller of this state, who shall thereupon, without delay, give public notice, to be inserted once in each week in the aforefaid news papers, for eight weeks successively, that unless the sum or sums assessed as aforesaid be paid to said comptroller at the city of Albany, on or before the expiration of six months after the day of the date of said notice, so much of the said land or lots of land so assessed as aforesaid, as will be sufficient to satisfy such assessment on the same or any part thereof, will then and in said city be sold at public vendue to the highest bidder: And upon such assessment, or any part thereof, remaining unpaid in said notice mentioned, it shall be the duty of the comptroller to sell at auction, at the place and time aforesaid, so much of said land as will be sufficient to pay the tax assessed on the same, with the expense of advertising: And on such sales being made, the comptroller is hereby authorised and required to execute to the purchaser or purchasers, deeds of conveyance for the lands so sold by him, in fee simple, not to affect however any lien or claim the state may have on such lands: *Provided*, that the owner or owners shall have the same right of redemption as is given to the owners of lands sold for taxes by this state, and upon the same conditions.

Lands assessed to be advertised

And sold unless the sums assessed are paid.

Proviso.

IV. *And be it further enacted*, That all the money which shall be collected by the comptroller in pursuance of this act, shall by him be paid over to the treasurer of the proprietors: And also, that the comptroller, on executing a deed to any purchaser under this act, shall be entitled to two dollars, to be paid by the purchaser.

Money to be paid over by the comptroller

V. *And be it further enacted*, That in case any person shall be injured or suffer damage by occasion of the canal and drainings of the said land as aforesaid, the commissioners aforesaid shall estimate and determine the amount of such damage, and shall thereupon assess the same upon the said proprietors, on the principal above mentioned, and shall cause the same to be collected in like manner, and paid over to the person entitled thereto.

Damages how to be estimated.

VI. *And be it further enacted*, That it shall and may be lawful for said proprietors to bring and prosecute to judgment, in the name of the treasurer, any suit or demand that may accrue to them under and by virtue of this act, against their agents, contractors, or other persons whatever.

Agents or contractors may be prosecuted.

VII. *And be it further enacted*, That the commissioners to be appointed in pursuance of the second section of this act be, and they are hereby authorised and required to explore the Chitteningo creek, in the county of Madison, and ascertain the obstructions, if any, to the navigation of the same, and of how long duration; and such obstructions as may in their opinion, by the overflowing of the waters

The commissioners to explore the Chitteningo creek.

thereof or otherwise, be injurious to the health of the surrounding inhabitants, and make report thereof as soon as conveniently may be, to the surveyor general of the state, whose duty it shall be to lay the same before the Legislature.

A certain
act repealed

VIII. *And be it further enacted*, That the act, entitled "an act for draining the great marsh or swamp on the Canasaraga creek, in the town of Sullivan, in the county of Madison," passed April fourth, in the year one thousand eight hundred and six, be and the same is hereby repealed.

CHAP. XCV.

AN ACT to incorporate and vest certain powers in the Freeholders and Inhabitants of the village of Brooklyn, in the county of Kings.

Passed April 12, 1816.

Boundaries
of the vil-
lage of
Brooklyn.

Freeholders
when to
meet,

to elect 5
trustees.

Justice to
preside.
To be con-
tinued on
every subse-
quent first
Monday in
May.

Trustees.

I. *Be it enacted by the people of the State of New-York, represented in Senate and Assembly*, That the section of the town of Brooklyn, commonly known by the name of the fire-district, and contained within the following bounds, viz: Beginning at the public landing south of Pierpont's distillery, formerly the property of Philip Livingston, deceased, on the East river, thence running along the public road leading from said landing, to its intersection with Red-Hook lane; thence along said Red-Hook lane to where it intersects the Jamaica turnpike road; thence a north-east course to the head of the Wallebogh mill-pond; thence through the centre of said mill-pond to the East river, and thence down the East river to the place of beginning; shall continue to be known and distinguished by the name of the village of Brooklyn: And the freeholders and inhabitants qualified to vote at town meetings, who may from time to time reside within the aforesaid limits, may on the first Monday of May, one thousand eight hundred and seventeen, meet at some proper place to be appointed and notified to the inhabitants by any justice of the peace therein, at least one week previous to the said Monday, and then and there proceed to elect five discreet freeholders, resident within said village, to be trustees thereof; who, when chosen, shall possess and exercise the several powers and rights hereafter specified: And such justice shall preside at such meeting, and declare the several persons having a majority of votes as duly elected trustees; and on every first Monday of May thereafter, there shall be a new election of trustees for the said village; and the trustees for the time being shall then perform the several duties herein required from such justice, in respect to notifying the meeting of the freeholders and inhabitants of the said village, and presiding at such annual election.

II. *And be it further enacted*, That Andrew Mercein, John Garrison, John Doughty, John Seamen and John Dean, be, and they are hereby constituted the first trustees for the purposes contemplated by this act, and who shall hold their offices until the first Monday of May, one thousand eight hundred and seventeen, or until others shall be appointed in their stead.

III. And be it further enacted, That the freeholders and inhabitants residing within the aforesaid limits be, and they are hereby ordained, constituted and declared to be, from time to time, and forever hereafter, a body politic and corporate, in fact and in name, by the name of the Trustees of the village of Brooklyn; and by that name they and their successors forever may and shall have perpetual succession, and be persons in law capable of suing and being sued, pleading and being impleaded, defending and being defended, in all courts and places whatsoever, in all manner of actions, complaints and causes whatsoever; and that they and their successors, may have a common seal, and may alter the same at their pleasure, and shall be capable in law of purchasing, holding and conveying any estate, real and personal, for the use of the said village, provided the said estate be within the limits of the said village; and of erecting any public building for the use of said village, and of raising money by tax for erecting such public building, purchasing such real or personal property, or making any necessary repairs or improvements, procuring fire engines and other utensils for extinguishing fires, and for making a reasonable compensation to the officers of the corporation; which money so to be raised, shall be assessed upon the freeholders and inhabitants of the said village, according to law, by not less than three, nor more than five judicious assessors, who shall be freeholders in said village, to be chosen by the inhabitants of said village, qualified to vote at town meetings, and collected by the collector of the corporation, in the same manner as the taxes of towns and counties are collected, by virtue of a warrant to him directed by a majority of the trustees. *Declared to be a body corporate.*

Common seal.

Purchasing real estate.

Raising money by tax.

To be assessed on the freeholders, by no less than three nor more than five assessors, to be inhabitants of said village.

How collected.

No tax to be levied nor monies raised without the consent of the freeholders.

Assessments to be made in proportion to the advantages derived by owners and occupants.

Persons aggrieved may appeal, giving notice of the time and place.

Provided nevertheless, that no tax shall be levied, or monies raised, assessed, or collected, for erecting public buildings, or making any other improvements or repairs, nor purchase or sale of any real estate, no public building erected or disposed of, without the consent of the freeholders and other legal voters of said village, or the major part of them, in open meeting first obtained: *Provided also,* and it is hereby made the duty of said assessors, in assessing the taxes to be raised upon the inhabitants of said village, to have regard both to the property and relative situation of each individual, so as that the said taxes may be assessed in an equitable and just manner, of and from the owners as well as occupants of the houses and lands in said village, in proportion, nearly as may be, to the property and to the advantages which both owner and occupant may be deemed to receive from the improvement or purchase to be made by said money when collected: *And provided also,* that if any person shall conceive himself or herself aggrieved by any such assessment, it shall be lawful for such person to appeal from the said assessors to the trustees of the said village, in ten days after such assessment shall be made, and public notice thereof given, giving notice to the said assessors, or any one of them, of such appeal, and of the time and place of determining thereon by said trustees, who shall hear the same and do justice in the premises.

IV. And be it further enacted, That it shall be lawful for the inhabitants of said village, as often as they shall vote to raise any sum or sums of money for any of the purposes aforesaid, to specify as far as may be convenient, the particular purpose for which said sum or sums or any part shall be appropriated, in order that the Object of taxes to be specified.

assessors may have regard thereto in assessing the same upon the respective inhabitants of said village.

Powers of trustees.

V. *And be it further enacted*, That it shall be lawful for the trustees of the said village, or a major part of them, and their successors, to make, ordain, constitute and publish such prudential by-laws, rules and regulations, as they from time to time shall deem meet and proper, and such in particular as relate to the public markets, streets, alleys and highways of the said village; to draining, filling up, levelling, paving, improving and keeping in order the same; relative to slaughter houses, houses of ill-fame, and nuisances generally; relative to a village watch, and lighting the streets of the said village; relative to restraining geese, swine, or cattle of any kind; relative to the better improvement of their common lands; relative to the inspection of weights and measures, and the assize of bread; relative to erecting and regulating hay scales; relative to the licensing of public porters, cartmen, hackney coachmen, gaugers, weigh-masters, measurers, inspectors of beef and pork, of wood, of staves and heading, and of lumber; relative to public wells, pumps, and reservoirs or cisterns of water to be kept filled for the extinguishment of fires; relative to the number of taverns or inns, to be licensed in the said village; and relative to any thing whatsoever, that may concern the public and good government of the said village; but no such by-laws shall extend to the regulating or fixing of the prices of any commodities, or articles of provision, except the article of bread, that may be offered for sale: *Provided also*, that such by-laws be not contrary to, or inconsistent with the laws of this state, or of the United States.

To fix the price of no article except bread.

VI. *And be it further enacted*, That the said trustees, or a major part of them, as often as they shall make, ordain and publish any by-laws for the purposes aforesaid, may make, ordain, limit and provide, such reasonable fines, penalties and forfeitures against the violators of such by-laws, as they may think proper, not exceeding twenty-five dollars for any one offence, to be prosecuted and recovered before any justice of the peace, or court having cognizance of the same, by the trustees, to and for the use of the said corporation; and in all cases it shall be deemed sufficient for said trustees, in any suit or action to be brought for any such fines, penalties and forfeitures, to declare generally, that the defendant or defendants, are indebted to the trustees of the village of Brooklyn, in the amount of such fine, penalty or forfeiture, to be paid to the said trustees for the time being, when thereunto required, and under such declaration to give the special matter in evidence. And the freeholders and inhabitants of the said village shall be deemed, and are hereby declared to be competent to sit as jurors, and to give testimony in any cause wherein the said trustees are a party, notwithstanding any remote interest which they may have as members of such corporation.

Freeholders may be jurors and witnesses.

VII. *And be it further enacted*, That the freeholders and inhabitants of the said village of Brooklyn, qualified to vote at town meetings, at their annual meetings, in every year hereafter, to be held for choosing trustees, or at any other meeting duly notified, shall, and they are hereby authorised and empowered to choose, by a major vote, not less than three, nor more than five judicious freeholders, being inhabitants of said village, as assessors; and that at

every such election, the persons having the greatest number of votes shall be deemed to be duly chosen; and in case that a vacancy shall happen, by the death of any one or more of the trustees or assessors, or of the treasurer or collector of the corporation, it shall be the duty of the trustees, or the major part of them, within ten days thereafter, to appoint some suitable person or persons to fill such vacancy or vacancies; and the persons so appointed, shall be vested with the like powers and subject to the same penalties and restrictions, as if elected by the freeholders and inhabitants of said village as above mentioned.

Vacancies
how filled.

VIII. *And be it further enacted*, That the trustees, assessors, treasurer and collector of the corporation shall, within ten days after their election, and before they proceed to the exercise of their several offices respectively, take and subscribe an oath or affirmation, before any justice of the peace in said village, or within the county of Kings, that they will faithfully execute the office or trust to which they may be severally elected.

Officers to
take an
oath.

IX. *And be it further enacted*, That the treasurer and collector hereafter to be appointed, shall, before they enter upon the duties of their respective offices, give such security for the faithful performance of the trusts reposed in them, as the major part of the trustees for the time being shall deem sufficient.

Treasurer &
collector to
give security

X. *And be it further enacted*, That if any one of the inhabitants of the said village, qualified as aforesaid, shall hereafter be elected to the office of a trustee or assessor, or appointed to the office of treasurer or collector, and having notice of his said election or appointment, shall refuse or neglect to take upon him the trust or office to which he be so elected or appointed, it shall and may be lawful for the trustees, or the major part of them, to assess and impose upon every such person so neglecting or refusing, such reasonable fine or fines as the said trustees, or a major part of them, may think fit, so as such fine for each refusal or neglect shall not exceed the sum of twenty dollars; all which fines shall and may be recovered by action of debt, before any justice of the peace in the said village, or within the county of Kings, or any court having cognizance of the same, to be recovered and received by the said trustees, to and for the use of the said corporation.

Penalty for
refusal to
serve.

And whereas it is necessary for the good government of the said village, that it should be more particularly the business of some one of the trustees of said village to attend to its more immediate concerns: Therefore,

XI. *Be it further enacted*, That the trustees, within ten days after their being elected, in every year thereafter, or the major part of them, shall, and it is hereby made their duty, to assemble in some convenient place in the said village, and there to choose and appoint some one suitable person of their body, to be president of the said board of trustees, whose duty it shall be when present, to preside at the meetings of the board, to order extraordinary meetings of the trustees whenever he shall think proper, to receive complaints of the breach of any of the by-laws, to see that all the by-laws, rules and ordinances are faithfully executed and observed, and to prosecute in the name of the trustees all offenders against such by-laws; and it shall more particularly be the duty of the said president of the

President.

His duties.

board of trustees, to see that the public property belonging to the said village, and especially that the fire engines and utensils appertaining thereto, be taken care of and kept in good order, and to do all such other acts and things as may be proper for him in his capacity as president of the board of trustees to do: And in case of the death, absence or disability of such president, to discharge the several duties before mentioned, his place shall be supplied in the manner to be directed by the by-laws of the said corporation: And it is furthermore hereby made the duty of the said trustees, in ten days after their being elected, in every year thereafter, to appoint a treasurer, collector and clerk for the said corporation, the duty of which last mentioned officer shall be to record all the by-laws, rules, regulations and proceedings of the said corporation, in a proper book to be by him provided for such purposes, to publish the same whenever so directed to do by the board of trustees, and also to do all such things as the said trustees, or a major part of them, shall lawfully from time to time direct or ordain.

Treasurer,
collector &
clerk.

Clerk's
duties.

Trustees to
keep an ac-
count of ex-
penditures,
and be paid.

Allowance
to be made
to treasurer.
&c.

XII. *And be it further enacted*, That the said trustees shall keep a just and accurate account of their necessary expenses and disbursements, which account shall be open at all reasonable times to the inspection of the inhabitants of the said village; and the said trustees, on exhibiting the said account to the treasurer, shall be entitled to receive the amount thereof out of any money in the treasury, and it is hereby made the duty of said treasurer to pay all such accounts on demand from the board of trustees, and on their giving him receipts for the same; and the said trustees, assessors, treasurer, collector and clerk of the corporation, shall receive for their several services such reasonable compensation as the freeholders and inhabitants of said village shall, at their annual meetings, think proper to grant and allow.

Taxes, how
collected &
disposed of.

XIII. *And be it further enacted*, That the collector shall, within such time as shall be specified by the laws of said corporation, next after the receipt of his warrant for the collection of any tax that may have been ordered to be raised by the board of trustees, proceed to collect and pay the same to the treasurer; and all monies, at any time in the hands of the treasurer, shall be liable to be drawn out by the trustees, or a major part of them, and applied to such objects as shall have been designated by the inhabitants of said village.

Trustees to
continue in
office until a
new election

XIV. *And be it further enacted*, That the trustees to be elected by virtue of this act, shall continue in office, and be authorised to exercise all the powers and perform all the duties, in this act contained and belonging to their office of trustees as aforesaid, until the first Monday of May next following after their election, and until a new election for trustees of the said village shall be made, pursuant to this act, and until the trustees so last chosen shall have taken and subscribed the oath or affirmation of office.

Their pow-
ers, and fees.

XV. *And be it further enacted*, That the trustees of the village hereby incorporated, shall be commissioners of excise, for granting licences to the several persons residing in said village and applying for the same, to keep inns and taverns, and to retail strong or spirituous liquors in said village; and the trustees shall have the same powers, perform the same duties, be entitled to the same fees, and be subject to the same restrictions, as the commissioners of excise of

the town of Brooklyn are subject to, pursuant to the act, entitled "an act to lay a duty on strong liquor, and for regulating inns and taverns," passed the seventh day of April, one thousand eight hundred and one: And also, that the money collected by the said trustees, for granting licenses as aforesaid, shall from time to time, without unnecessary delay, be paid by them, after deducting the customary fees, to the overseers of the poor of the town of Brooklyn, for the maintenance of the poor of the said town.

Monies for the poor.

XVI. *And be it further enacted*, That the village of Brooklyn be, and the same hereby is constituted a road-district, and declared to be exempt from the superintendence of the commissioners of the highways of the town of Brooklyn; and the trustees of the said village of Brooklyn shall have all the powers over the said road-district, and discharge all the duties, which by law are given to or enjoined upon the said commissioners of highways, and subject to the like restrictions and appeals.

The village made a road district, and exempt from the commiss'rs of highways. Trustees & commiss'rs have similar powers.

XVII. *And be it further enacted*, That it shall be the duty of the trustees of the said village of Brooklyn, or a majority of them, and they are hereby authorised and empowered, to nominate, elect and appoint, under the hand of the president and seal of the village, such a number of fire-wardens and firemen, from among the inhabitants of said village, as the trustees may from time to time deem necessary, to have the care, management, working and use of any fire-engine or engines which may belong to the said village, and also all other tools and implements for extinguishing fires; and every person so appointed, shall, during his continuance in such office and no longer, be exempt from serving as overseer of the highways, or constable, from being impaneled on any jury or inquest, and from militia duty except in cases of invasion or other imminent danger; and the said trustees, or a majority of them, are hereby authorised to extend, as circumstances in their judgment may require, the number of said fire wardens and fire men, and also to remove or displace any of them so appointed, when and as often as they shall think fit, and others in their stead to nominate and appoint, any law to the contrary notwithstanding.

Trustees to appoint fire wardens and firemen.

Fire-men exempted from other services.

May be extended or removed, and others appointed.

XVIII. *And be it further enacted*, That the trustees of the village of Brooklyn, and all persons acting under their authority, are hereby authorised and empowered to enter, in the day time, into and upon any lands, tenements and hereditaments, which they shall deem necessary to be surveyed, used or converted for laying out, opening and forming any street or highway: And it is hereby made the duty of the said trustees, to cause, as soon as conveniently may be, a survey of said village to be made by some capable person or persons, together with a fair map thereof, exhibiting the streets, roads and alleys to be permanently laid out, and accompanied by such remarks as the nature of the subject may require and admit, which map, with the accompanying remarks, shall be signed by the president of the board of trustees for the time being, and kept by the clerk of the corporation, subject however to the inspection of any inhabitant of the village, who may have an interest therein, in order that no resident may plead ignorance of the permanent plan to be adopted, for opening, laying out, levelling and regulating the streets of the said village of Brooklyn.

Trustees may enter on all lands to be surveyed.

Survey and map, signed by the president, kept by the clerk & subject to inspection.

CHAP. XCVL

AN ACT to regulate the tare of Butter Firkins, and for other purposes.

Passed April 12, 1816.

Firkins to
be weighed
& marked.

I. BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That from and after the first day of March next, any firkin in which any butter or lard shall be packed for sale, shall be carefully weighed by the person or persons packing the same, and the true weight of such firkin shall be marked or stamped, in a legible or durable manner, on one of the staves thereof, together with the initial letters of the name of the person so packing the same.

Penalty for
not marking

II. And be it further enacted, That from and after the day aforesaid, no butter or lard shall be exposed to sale in any firkin, unless such firkin shall be so marked or stamped as aforesaid; and that if any person shall knowingly expose or offer for sale, any firkin of butter or lard, not marked or stamped as aforesaid, he shall forfeit and pay the sum of three dollars for every offence, to be recovered by any person who shall sue for the same, in an action of debt, in any court having cognizance thereof.

or falsely
marking.

III. And be it further enacted, That if any person, from and after the day aforesaid, shall put any false mark on any such firkin, or shall expose or offer for sale, or shall sell any butter or lard, in any firkin which such person shall know to be falsely marked, such person shall forfeit and pay the sum of five dollars for every offence, to be recovered by any person who shall sue for the same in manner aforesaid.

Tare.

IV. And be it further enacted, That on every sale of any firkin of butter or lard, the weight so marked or stamped on such firkin, together with an addition of two pounds weight, shall be deemed and taken to be the tare of such firkin.

CHAP. XCVII.

AN ACT to incorporate the Spencer and Candor Turnpike Road Company.

Passed April 12, 1816.

E. Dana and
others in-
corporated.

I. Be it enacted by the people of the State of New-York, represented in Senate and Assembly, That Eleazer Dana, Andrew Purdy, Henry Miller, Joel Smith, George Allen, and all such other persons, as with them shall associate for the purpose of making a good and sufficient turnpike road, to begin near the court house in the town of Spencer, thence running the most convenient direction until it intersects the Owego and Ithica turnpike, near the house of Abel Hart, in the town of Candor, shall be and they are hereby created a body corporate and politic, in fact and in name, by the name of the President, Directors and Company of the Spencer and Candor turnpike road, and by that name they shall and may have continual succession, and be persons in law capable of suing and

being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions and complaints, matters and causes; and by the same name and style, shall be in law capable of purchasing and holding and conveying any estate, real and personal, for the use of the said corporation: *Provided*, that such estate, as well real as personal, so to be purchased or held, shall be necessary to fulfil the end and intent of said corporation, and for no other purpose whatsoever.

Real & personal estate restricted.

II. *And be it further enacted*, That the capital stock of the said company shall consist of five hundred shares, of twenty dollars each, and that Henry Miller, Abel Hart and Jonathan Platt, junior, be, and they are hereby appointed commissioners to receive subscriptions for the said stock, in the manner directed by the act, entitled, "an act relative to turnpike companies."

Amount of stock.

Commissioners.

III. *And be it further enacted*, That the said president, directors and company hereby incorporated, shall be entitled to exact and receive at the gate or turnpike to be erected on the said road, the following sums of money: For every waggon with two horses, twelve and an half cents; for every one horse cart or waggon, six cents, and every additional horse, three cents; for every coach or coach drawn by two horses, twenty-five cents, and every additional horse, three cents; for every chair or pleasure carriage drawn by one horse, twelve and an half cents; and for every additional horse, six cents; for every cart drawn by two oxen, eight cents, and for every additional yoke, three cents; for every saddle or led horse, four cents; for every sleigh or sled drawn by two horses, oxen or mules, eight cents; for every sleigh or sled drawn by one horse or mule, four cents; for every score of sheep or hogs, eight cents, and so in proportion for a greater or less number; and for horses, mules, and neat cattle in droves, one cent for each.

Rate of tolls

IV. *And be it further enacted*, That the number of directors for managing the concerns of the company hereby incorporated, shall be five, any three of whom shall form a quorum, and be capable of transacting the business of the company; and that the said company shall have and enjoy all the rights, privileges, powers and immunities, and be subject to all the pains and penalties, which are given and granted in and by the act, entitled "an act relative to turnpike companies."

5 directors,
3 a quorum.

CHAP. XCVIII.

AN ACT to incorporate the Catharine and Spenser Turnpike Company.

Passed April 12, 1816.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Jacob Swartwood, Matthew Lowesbury, Isaac Swartwood, Isaac White, Samuel Winton, Roland Downes, Elijah S. Hioman, and all such others as shall associate for the purpose of making a good and sufficient turnpike road, to begin at the Ithica and Tioga turnpike, near the house of James

Jac. Swartwood and others incorporated.

Westbrook, in the town of Spencer; thence up the Cayuta creek to the house of Jacob Swartwood; thence to the house of David Beardsley, in the town of Catharine; thence to the Newtown and Seneca turnpike, near the house of John M'Clure, shall be and they are hereby created a body corporate and politic, by the name of "The Catharine and Spencer Turnpike Company," and they are hereby constituted and declared a body politic and corporate, in fact and in name, and by that name they and their successors shall and may have perpetual succession, and are hereby declared capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever; and also may make and use a common seal, and may alter the same at pleasure; and also that they are hereby made capable in law of purchasing, holding, and conveying any estate, real or personal, for the use of the said corporation: *Provided*, That such estate, as well real as personal, so to be purchased and held, shall be necessary to fulfil the end and intent of said corporation, and for no other purpose whatsoever.

Stock to consist of 1000 shares, at 25 dollars each.

Commissioners.

II. *And be it further enacted*, That the stock of the said company hereby incorporated, shall consist of one thousand shares, of twenty-five dollars each; and that Elijah S. Hinman, Isaac Swartwood and David Beardsley, shall be and are hereby appointed commissioners to receive subscriptions for the said stock, in the manner directed in and by the act, entitled "an act relative to turnpike companies," passed March 13th, 1807.

III. *And be it further enacted*, That the company hereby incorporated shall be entitled to exact and receive at each of the gates to be erected on the said road, from all persons passing the same, for every ten miles, and so in proportion for any greater or less distance, the following rates of toll: For every cart, waggon or other carriage, drawn by two horses, mules or oxen, twelve and an half cents, and for every additional horse, mule or ox, three cents; for every horse and rider or led horse, six cents; for every chair, sulkey, chaise or pleasure carriage, with one horse, twelve and an half cents; for every chariot, coach, coachee, phaeton or other four wheeled pleasure carriage, twenty-five cents; for every sleigh or sled, drawn by two horses, mules or oxen, six cents, and so in proportion if drawn by a greater or less number of horses, mules or oxen; for every score of sheep or hogs, eight cents; for every score of cattle, horses or mules, twenty cents, and so in proportion for a greater or less number; for every stage-waggon, drawn by two horses, twelve and an half cents, and three cents for every additional horse attached to such waggon.

5 Directors, 3 of whom to be a quorum.

IV. *And be it further enacted*, That the number of directors for managing the concerns of the said company hereby incorporated shall be five, three of whom shall be a quorum and capable of managing the business of the said company; and that the said company shall have and enjoy all the rights, privileges, powers and immunities which are given and granted in and by the act aforesaid, entitled "an act relative to turnpike companies," and shall be subject to all the conditions, restrictions and regulations contained in said general act, passed the 13th March, 1807.

CHAP. XCIX.

AN ACT to appoint Commissioners to lay out a road in the county of Montgomery, through the towns therein mentioned.

Passed April 12, 1816.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That Levi Le Roy, Rouse Simmons and William Woodward, or any two of them, be and they are hereby appointed commissioners to lay out a public highway, of the width of four rods, from or near the Baptist meeting house, in the town of Broadalbin; thence through the town of Mayfield, near Andrew Tallhammer's mill; thence near the house of Daniel Mecker, junior, in the town of Johnstown; from thence to intersect the state road between the houses of Daniel Bedford and Philip R. Frey, in the town of Palatine.

II. *And be it further enacted*, That the said commissioners, before they shall enter upon the duties aforesaid, shall take and subscribe an oath before some justice of the peace, to lay out the said road, without favor or partiality, and according to the best of their judgment and ability: And they shall, after laying out said road, cause to be made an accurate map of the said road, and cause the same, with the field notes of the survey, to be filed in the clerk's office of each town through which the said road shall be laid out; and if the said road shall be laid through any improved lands, the damages shall be appraised and paid, and the road opened and improved in the manner provided by the act to regulate highways: And the said commissioners and the surveyors by them employed, shall each be allowed two dollars per day, for every day by them necessarily employed in the duties aforesaid, to be paid as a part of the contingent expenses of the towns through which the road shall be laid.

CHAP. C.

AN ACT to incorporate the Malta and Saratoga Turnpike Company.

Passed April 12, 1816.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That Seneca Palmer, Robert Hempill, Abraham W. Payn, Dean Chase, Gradus Van Schoonhoven and Miles Beach, and all such other persons as shall associate with them, to make a good and sufficient turupike road, to begin at or near the house of Seneca Palmer, in the town of Half-Moon, thence to or near the house of Levi Hempfield, in the town of Malta; from thence to Congress Springs, in the town of Saratoga, shall be and are hereby created a body politic and corporate, in fact and in name, by the name and style of "The President, Directors and Company of the Malta and Saratoga Turupike Company;" and by that name and style they and their successors shall have continual succession, and

Seneca Palmer and others incorporated.

Style.

shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and in all manner of suits, actions, complaints, causes and matters whatsoever; and by the same name and style shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of the corporation: *Provided*, That such estate, so to be purchased and held, shall be necessary to fulfil the objects of the said corporation, and no other purpose whatsoever.

Stock to consist of 1000 shares, at 25 dollars each.

Commissioners to receive subscriptions.

II. *And be it further enacted*, That the stock of the said company shall consist of one thousand shares, at twenty-five dollars each, and that Robert Hemphill, Dean Chase, Miles Beach, Seneca Palmer and Gradus Van Schoonhoven, be and they are hereby appointed commissioners to receive subscriptions for said stock, in the manner directed in and by the act, entitled "an act relative to turnpike companies," passed the thirteenth day of March, one thousand eight hundred and seven.

Rates of toll

III. *And be it further enacted*, That the said company hereby incorporated, shall be entitled to exact and receive, at each of the gates or turnpikes to be erected on the said road, for any number of miles not less than ten in length of said road, the following sums of money, and so in proportion for any greater or less distance, from all persons travelling or using the same: For every waggon or cart, drawn by two horses, mules or oxen, twelve and an half cents; for every additional horse, mule or ox attached to such waggon, or cart, three cents; for every cart or other carriage, drawn by one horse, mule or ox, nine cents, and for every additional horse, mule or ox attached to such cart or carriage, three cents; for every horse and rider, six cents; for every horse led or driven, three cents; for every stage-waggon, chariot, coach or coachee, phaeton, curriole or other pleasure carriage, drawn by two horses, twenty-five cents, and for every additional horse attached to such carriage, three cents; for every chaise, chair, sulkey or other pleasure carriage, drawn by one horse, fifteen cents, and in like proportion for every additional horse; for every sled or sleigh, drawn by two horses, oxen or mules, four cents, and for every additional horse, ox or mule, two cents; for every sleigh or sled, drawn by one horse, ox or mule, four cents; for every score of cattle, horses or mules, twenty-five cents; and for every score of hogs or sheep twelve cents, and so in proportion for a greater or less number.

Act relative to turnpike companies to apply.

IV. *And be it further enacted*, That the said company hereby incorporated shall have all the rights and privileges, powers and immunities, which are given and granted in and by the aforesaid act, entitled "an act relative to turnpike companies," and shall be subject to all the conditions, provisions, restrictions and regulations contained in said act.

Amendment to Whitehall and Westhaven turnpike.

V. *And be it further enacted*, That so much of the act, entitled "an act to establish a turnpike road from the village of Waterford, through the town of Whitehall, to Westhaven, passed March eighth, one thousand eight hundred and six, as requires the bedding of the breadth of twenty-eight feet, with stone or gravel, of a depth sufficient to secure a firm and solid foundation, and to be faced with gravel, pounded stone, slate or other hard substance, be amended so as

to enable the president and directors to bed the center of the arch with stone, at least twelve feet wide, so as to secure a solid arch on which waggons can at all times conveniently pass ; any thing in the aforesaid act to the contrary notwithstanding.

CHAP. CI.

AN ACT to incorporate the Ithica and Hamburgh Turnpike Road and Bridge Company.

Passed April 12, 1816.

I. BE it enacted by the people of the State of New-York, *represented in Senate and Assembly*, That David Woodcock, Luther Gere, Jabez Howland, John Applegate, James Huland, Abner Tremain, William Bailey, John White, Joseph Carson, Daniel M. Booth, and all such other persons as shall associate for the purpose of making a good and sufficient turnpike road, to begin on the Ithica and Geneva turnpike road, at a point due east from the south-east corner of lot number fifty-six, and north-east corner of lot number fifty-seven, in the town of Ulysses, and to run from thence the most direct and eligible route to Tremain and Mear's mills, in the town of Hector ; from thence the most direct and eligible route to Aliman and Booth's mills, in the said town of Hector ; from thence across the inlet of the Seneca lake, to intersect the Newtown and Seneca turnpike road, at or near the south-west corner of said lake, with the privilege of erecting a toll-bridge over the inlet of the Seneca lake, be and they are hereby created a body corporate and politic, by the name of " The President, Directors and Company of Ithica and Hamburgh Turnpike Road and Bridge Company ;" and by that name they and their successors shall have perpetual succession, and shall be and are hereby made capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places whatsoever, and shall make and use a common seal, and may alter the same at pleasure ; and they are hereby made capable in law of purchasing and holding any estate, real or personal, for the benefit of said company, provided such real estate shall not exceed the amount of two thousand dollars.

II. And be it further enacted, That the stock of the said company hereby incorporated, shall consist of one thousand four hundred shares, of twenty five dollars each ; and that Luther Gere, John Applegate, William Bailey and John White, be and they are hereby appointed commissioners to receive subscriptions for said stock, in the manner described in and by the act, entitled " an act relative to turnpike companies," passed March thirteenth, one thousand eight hundred and seven.

III. And be it further enacted, That the said company hereby incorporated shall be entitled to exact and receive of and from every person travelling on or using said road, at the gates or turnpikes to be erected thereon, for any number of miles not less than ten, the following sums of money, and so in proportion for a greater or less distance : For every cart, waggon or other wheeled carriage, drawn

David Woodcock and others incorporated.

Style.

Common seal.

Stock.

Commissioners to receive subscriptions.

Rates of toll

by two horses, mules or oxen, twelve and an half cents; for every additional horse, ox or mule, three cents; for every coach, coachee, phaeton or curricule, with two horses, twenty-five cents; for every additional horse, three cents; for every sulkey, chair, chaise or other one horse pleasure carriage, twelve and an half cents; every one horse waggon, six cents; for every horse rode, led or driven, four cents; for every sleigh or sled, drawn by two horses, mules or oxen, six cents, and for every other additional horse, mule or ox, two cents; for every sleigh or sled drawn by one horse, mule or ox, four cents; for every score of horses, mules or cattle, twenty cents, and in like proportion for a greater or less number; for every score of sheep or hogs, eight cents, and in like proportion for a greater or less number.

May erect a
toll-bridge
over the in-
let of the
Seneca lake

IV. *And be it further enacted*, That the company hereby incorporated, are hereby authorised to erect a toll bridge over the inlet of the Seneca lake, with the privilege of exacting and receiving tolls, in every respect, and of the same amount as they are by this act authorised to exact and receive for ten miles travel on the said turnpike road: *Provided*, That no gate or turnpike shall be erected or set up on said turnpike road, within a less distance than four miles of said bridge.

V. *And be it further enacted*, That the said bridge shall be built at least twenty feet in width, and be well covered with plank, not less than two inches thick; the sides of said bridge to be secured with good and substantial railings.

VI. *And be it further enacted*, That the said bridge shall be so constructed, as not in any manner to obstruct the channel of the said inlet, or prevent the free passage of rafts or boats.

The provi-
sions of the
general act
applicable.

VII. *And be it further enacted*, That the corporation hereby created shall have and enjoy all the rights and privileges, powers and immunities, which are given and granted in and by the aforesaid act, entitled "an act relative to turnpike companies," and shall be subject to all the conditions, provisions, restrictions and regulations contained in the said act, except so far as is otherwise herein provided and enacted.

CHAX. CII.

AN ACT further to amend the act, entitled "an act to incorporate the Whitehall and Granville Turnpike Company," passed June 10th, 1812, and for other purposes.

Passed April 12, 1816.

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That the Whitehall and Granville turnpike company be, and they are hereby authorised to extend the said turnpike road from the north extremity thereof, near Whitehall landing, in the county of Washington, to Vermont line, at or near Orms' bridge, so as to promote the convenience of the public and the interest of the said company.

Stock in-
creased 800
shares.

II. *And be it further enacted*, That the stock of said company is hereby increased eight hundred shares, of equal amount with shares

in the act, entitled "an act to incorporate the Whitehall and Granville turnpike company," passed June 19th, 1812.

III. *And be it further enacted*, That the said company shall be entitled to exact and receive at the gate or turnpike to be erected on said road, the same sums of money from all persons travelling on or using the said extended road, as is given by the act hereby amended, and also by an act to amend an act, entitled "an act to incorporate the Whitehall and Granville turnpike company," and also the sum of six cents for every sleigh, sled or pung, using the said roads, in addition to the sum allowed by the act hereby amended.

IV. *And be it further enacted*, That it shall not be necessary to lay out or bed said roads more than twenty feet wide, nor shall it be necessary to form or lay out ditches on the sides of said roads, for the use of sleighs, any thing in the act, entitled "an act relative to turnpike companies," or the acts hereby amended, to the contrary notwithstanding.

V. *And be it further enacted*, That the said company are hereby authorised to erect one gate or turnpike on said road, leading from Whitehall aforesaid, to the said line of Vermont, near Orms' bridge, and no more.

VI. *And be it further enacted*, That the time for completing the Whitehall and Granville turnpike road, be and the same is hereby extended until the first day of January, in the year of our Lord one thousand eight hundred and twenty-five; and that all the powers, rights and privileges heretofore granted to the president, directors and company of the Whitehall and Granville turnpike road be and the same are hereby confirmed.

CHAP. CIII.

AN ACT to enable the Trustees of the Presbyterian Congregation of Freehold, in the town of Charlton, to sell certain lands therein mentioned.

Passed April 12, 1816.

WHEREAS the trustees of the presbyterian congregation of Freehold, in the town of Charlton, in the county of Saratoga, have petitioned that they may be authorised to sell their parsonage lot, containing one hundred acres of land, in said town, and thereby render the funds of said congregation more productive; Therefore,

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the trustees, or their successors, and they are hereby authorised, to sell and convey their said parsonage lot and premises, when and in such manner as they, or a majority, of them shall deem most conducive to the interest of the said congregation; and that the said trustees shall place the proceeds arising from the sale of the said lot and premises, at interest, secured by bond and by mortgage or mortgages, on adequate real estate, or to vest the same in public or other productive stock, yielding a regular income, for the benefit of the said congregation,

CHAP. CIV.

AN ACT granting privileges to the Firemen of the city of New-York.

Passed April 12, 1816.

Firemen ex-
empted af-
ter a certain
term.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly,* That every person who on the first day of May next shall have been a fireman of the city of New York, during twenty years, and who shall serve as such one year thereafter; and that every person who on the first day of May next shall have been such fireman, during fifteen years, and who shall serve as such three years thereafter; and that every person who on the first day of May next shall have been such fireman twelve years, and who shall serve as such four years thereafter; and every person who on the first day of May next shall have been such fireman ten years, and who shall serve as such five years thereafter; and every person who on the first day of May next shall have been such fireman eight years, and who shall serve as such six years thereafter; and every person who on the first day of May next shall have been such fireman six years, and who shall serve as such seven years thereafter; and every person who on the first day of May next shall have been such fireman four years, and shall serve as such eight years thereafter; and every person who on the first day of May next shall have been such fireman two years, and shall serve as such nine years thereafter; and every person who may become a fireman after the first day of May, and shall serve as such ten years thereafter, shall be forever after such services exempted from serving as a juror, in any of the courts of this state, and from all militia duty, except in case where the militia are ordered into actual service.

Certificates
to be signed
by the clerk
of the com-
mon council
and chief
engineer.

II. *And be it further enacted,* That certificates of the time that such persons as aforesaid have served as firemen, signed by the clerk of the common council of the said city, and by the chief engineer, shall be sufficient evidence thereof.

III. *And be it further enacted,* That the fire department of the city of New-York, and their successors, shall continue to be a body corporate and politic, in fact and in name, until the first day of May, in the year of our Lord one thousand eight hundred and thirty-eight, with all the rights, powers and privileges, and subject to all the provisions, restrictions, limitations and conditions mentioned and contained in the act, entitled "an act to incorporate the firemen of the city of New-York."

Fire depart-
ment con-
tinued as a
body corpo-
rate.

CHAP. CV.

AN ACT farther to amend the act, entitled "an act to incorporate the Croton Turnpike Company.

Passed April 12, 1816.

Turnpike
gate to be
erected.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That it shall and may be lawful

for the president and directors of the Croton turnpike company, to erect across and upon the Croton turnpike road, between the houses of Samuel Wilson and Darius Crosby, in the town of Somers, one gate or turnpike, and to receive at the said gate the following tolls, to wit: For every waggon or stage, drawn by two horses, mules or oxen, six cents, and two cents for every additional horse, mule or ox; for every one horse cart or waggon, three cents; for every coach, coachee, phaeton or curricule, drawn by two horses, twelve and an half cents, and for every additional horse, two cents; for every sulkey, chair, chaise or other one horse carriage, six cents; for every cart, drawn by two oxen, four cents; for every additional yoke of oxen, two cents; for every horse and rider or led horse, two cents; for every sleigh, or sled, drawn by two horses, mules or oxen, three cents; for every additional horse, mule or ox, one cent: for every score of cattle, horses or mules, ten cents, and so in proportion for a greater or less number; for every score of sheep or hogs, four cents, and in that proportion for a greater or less number; and also to erect one gate on and across the said road, in the town of Southeast, in the county of Putnam, and to receive at the said gate the following tolls: For every waggon or stage, drawn by two oxen, horses or mules, eight cents; and three cents for every additional horse, mule or ox; for every one horse cart or waggon, five cents; for every coach, coachee, phaeton or curricule, drawn by two horses, eighteen cents, and for each additional horse, three cents; for every sulkey, chair, chaise or other one horse carriage, eight cents; for every cart drawn by two oxen, six cents, and for every additional yoke of oxen, four cents; for every horse and rider or led horse, three cents; for every sleigh or sled, drawn by two horses, mules or oxen five cents; for every additional horse, mule or ox, two cents; for every score of cattle, horses or mules, fifteen cents, and in that proportion for a greater or less number; for every score of sheep or hogs, six cents, and in that proportion for a greater or less number.

II. *And be it further enacted*, That it shall and may be lawful for each and every person residing upon the said turnpike road, in any town intersected by such turnpike road, and liable to be assessed to work upon highways in such town, to elect to work either upon the said turnpike road, or upon the roads and highways in such town, upon which they are now liable to be assessed to work, and to notify such election to the commissioners of highways, in such town, eight days before their annual meeting for assessing the inhabitants of such town to work upon highways; and in every case in which any person or persons residing upon such turnpike road, shall elect to work upon such road, it shall be the duty of the commissioners of highways to assess them accordingly, in like manner as the other inhabitants, and to deliver, upon request, such assessment, in writing, to the president and directors of the said company; and it shall and may be lawful for the said president and directors, from time to time, and as often as they may deem necessary, at convenient and proper seasons, to warn all such persons so electing and residing on the said road, to come and work out, on the said road, their highway assessment; *Provided nevertheless*, That whenever the said stockholders shall be able to make any dividend upon their said stock, the inhabitants residing on said road shall again perform the labor which they

Rates of toll

Certain persons given the choice of working on the turnpike

When such choice is made to be assessed.

may be assessed on the respective public highways, in the same manner as if this act had not been passed.

CHAP. CVI.

AN ACT to incorporate the village of Hamilton, in the county of Madison.

Passed April 12, 1816.

I. BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the district of territory comprehended within the bounds of lots number one, two, nineteen and twenty, in the town of Hamilton, in the county of Madison, shall hereafter be known by the name of "the village of Hamilton," and that the inhabitants and freeholders residing within said village, qualified to vote at town-meetings, may meet on the second Tuesday in May next, at some proper place in said village, to be notified at least one week previous thereto, by any justice of the peace residing in said village, and then and there proceed to elect five freeholders of said village to be trustees thereof: and that the said justice shall preside at such meeting, and declare the several persons having a majority of votes as duly chosen as trustees; and on every second Tuesday of May thereafter, there shall in like manner be a new election of trustees of said village, and the trustees for the time being shall preside at such election, and shall in like manner give notice of the time and place of holding the same.

II. And be it further enacted, That the freeholders and inhabitants aforesaid are hereby constituted and declared to be a body politic and corporate, by the name of "The Trustees of the village of Hamilton," and by that name they and their successors may have perpetual succession, and be persons in law capable of suing and being sued, and of defending and being defended, in all courts of justice and in all actions and causes whatsoever; and may have a common seal, and may alter the same at pleasure; and shall be in law capable of holding, purchasing and conveying any estate, real and personal, for the public use of said village, and of erecting public buildings, and of making any other necessary improvements; which money so to be raised, shall be assessed upon the freeholders and inhabitants of said village, in proportion to the relative value of their property therein, to be assessed by three judicious assessors to be chosen from amongst the freeholders in said village, at their annual meetings, and collected by a collector to be appointed by the trustees aforesaid for the time being, by virtue of a warrant for that purpose, signed by the trustees or a majority of them, and when so collected, shall be paid over to the treasurer, to the use of the corporation, and drawn out of the treasury by the trustees, and applied to the purposes for which it shall be raised, which said treasurer shall be appointed by the trustees, and for whose responsibility the said trustees shall be liable: *Provided nevertheless,* that no tax shall be levied or monies assessed, raised or collected for the purposes aforesaid, nor any purchases or sale of any real estate be made, nor any public buildings erected or disposed of without the consent of the

freeholders and inhabitants aforesaid, or a major part of them, who shall attend at a public meeting duly notified by the trustees of said village, or a justice of the peace as aforesaid. *And provided further*, that every assessment made for the raising, levelling, paving or repairing any streets, alleys or highways, shall be assessed on and collected from the lots and ground next adjacent to such street, alley or highway, in proportion to their relative value and advantages to be derived from such improvement.

III. *And be it further enacted*, That it shall be lawful for the said trustees, or a majority of them, and their successors, to make and publish such prudential rules and regulations as they from time to time shall deem meet, relative to the draining, filling up, paving of side walks, keeping in order and improving the streets, alleys and highways; relative to the public markets; relative to all necessary means for preventing and extinguishing fires; relative to slaughter houses and nuisances; relative to any thing whatsoever, that may tend to the police and good government and order of the said village, which may not be inconsistent with the constitution or laws of this state or of the United States: and may make and provide such reasonable fines against the breach of such laws, as they may think proper, not exceeding twenty-five dollars for any one offence, to be prosecuted and recovered by the trustees, in their own name, before any justice of the peace in the county of Madison, and paid over to the treasurer, for the use of the said freeholders and inhabitants as aforesaid.

Trustees to make regulations.

IV. *And be it further enacted*, That the freeholders and inhabitants aforesaid may, on the second Tuesday of May next, and at every annual meeting thereafter, elect as aforesaid, a fit person, resident in said village, to be a common clerk, whose duty it shall be to record all rules and regulations made by the said freeholders and inhabitants, at their meetings aforesaid, in a book to be by him provided for that purpose; and also to do all things that the said trustees or a majority of them shall direct, under and by virtue of the powers vested in them by this act.

Clerk, when to be elected his duty.

V. *And be it further enacted*, That the trustees, assessors, and clerk so to be chosen as aforesaid, and the collector so to be by the trustees appointed as aforesaid, shall, within ten days after each election and appointment, and before they enter upon the execution of the trust so to be vested in them by virtue of their respective offices, severally take and subscribe an oath or affirmation, before a justice of the peace in the said village or county, for the faithful performance and execution of the trust or office to which they may be severally chosen, elected or appointed.

Officers to take an oath

VI. *And be it further enacted*, That the said trustees shall keep a just and accurate account of their necessary expenses and disbursements, and of all monies received and paid by them during their continuance in office, and shall at every annual meeting, either in person or by their treasurer, prepare and state the account of the current year, and if a balance shall remain in their hands, or the hands of their treasurer, pay the same over to their successors in office, or such person as shall be by their successors appointed as treasurer: And it shall be lawful for the trustees of said village for the time being, to pay the assessors and collector such suitable com-

Accounts to be rendered.

Assessors to be compensated.

pensation for their services, as they may deem proper by a by-law of the corporation.

VII. *And be it further enacted*, That this act is hereby declared to be a public act, and that the same be construed in all courts favorably and benignly for every beneficial purpose herein contained.

CHAP. CVII.

AN ACT to amend the act, entitled "*an act to incorporate the Schoharie and Cobleskill Bridge Company.*"

Passed April 12, 1816.

WHEREAS it is represented, that the bridge erected by the said company over the Schoharie creek, is in a state of rapid decay, inasmuch that it is dangerous and unsafe to pass over it; that the unexpired term of the said act of incorporation, will not justify the petitioners to repair and rebuild the said bridge, as it would be attended with a sacrifice of property, unless there is an extension of the charter of the said company: In remedy whereof,

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the term of twenty five years mentioned in the first enacting clause of the act hereby amended, shall be, and the same is hereby continued and extended, until the twenty-eighth day of March, one thousand eight hundred and forty-one, any thing in the said clause hereby amended to the contrary notwithstanding.

And whereas doubts are entertained as to the true construction of the proviso of the ninth section of the act hereby amended: Therefore,

II. *Be it further enacted* That from and after the passage of this act, all persons going and returning to and from their farms; and all persons going to, or returning from public worship; persons going and returning to and from military parade for improvement or inspection; all persons drawing fire wood for their own family's use, from farms belonging to them, lying and being on the west side of Schoharie creek; all persons going and returning to and from a grist mill, for the purpose of grinding for their own family's use, shall pass and repass the said bridge without paying toll; and also, all persons drawing fire wood for sale, shall pass the said bridge by paying half the rate of toll mentioned in the ninth section of the act hereby amended, any thing therein to the contrary notwithstanding.

III. *And be it further enacted*, That the proviso of the ninth section of the act hereby amended is repealed.

CHAP. CVIII.

AN ACT to amend the act, entitled "*an act to authorise James Le Ray De Chaumont to make a Turnpike road in the county of Jefferson.*" passed March 31st, 1815.

Passed April 12, 1816.

WHEREAS James Le Ray De Chaumont hath represented to the Legislature, that he is desirous of extending the turnpike road,

mentioned in the act hereby amended, from Perch river, at or near where the state road crosses the same, to the village of Brownville, in the county of Jefferson.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for James Le Ray De Chaumont, his heirs, executors, administrators and assigns, and he and they are hereby, authorised to extend the turnpike road mentioned in the act hereby amended, on the most direct and eligible route from Perch river, at or near where the state road crosses the same, to the village of Brownville, in the county of Jefferson; and that Elisha Camp, Musgrove Evans and Robert M'Dowell, or any two of them, be and hereby are appointed commissioners to survey and lay out the road in this act authorised to be made, according to the best of their judgment and understanding, without favor or partiality, in such manner that the object of the said James Le Ray DeChaumont, his heirs, executors, administrators or assigns, and the general interest of the public shall be in the best manner effected; accurate maps of which survey shall be deposited and filed by the said commissioners in the office of the clerk of the county of Jefferson.

II. *And be it further enacted*, That the said James Le Ray De Chaumont, his heirs, executors, administrators and assigns, shall, as to the turnpike road in this act authorised to be made, have and enjoy all the rights, privileges, powers and immunities, which are given and granted in the act herein amended, and shall be subject to all the conditions, provisions, restrictions and regulations contained in the said act.

CHAP. CIX.

AN ACT to revive and amend an act, entitled "an act to incorporate the Cortland and Seneca Turnpike Company."

Passed, April 12, 1816.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That the act, entitled "an act to incorporate the Cortland and Seneca turnpike company," passed the 12th of June, 1812, be, and the same is hereby revived, from and after the passing of this act, with the same force and effect as if the said act of incorporation was now past.

II. *And be it further enacted*, That as soon as two hundred shares, instead of five hundred shares required by the before mentioned act, of the stock of said company shall be subscribed, the subscribers shall proceed to choose their directors, to manage the concerns of said company agreeable to the said act, relative to turnpike companies.

CHAP. CX.

AN ACT for the relief of John Jay and Peter Jay Munro.

Passed April 12, 1816.

WHEREAS John Jay and Peter Jay Munro have represented to the Legislature, that previous to the last May term of the supreme court, they were respectively seised in fee as tenants in common of one undivided fourth part of the thirteenth township of Scriba's patent, being part of the town of Constantia, in the county of Oneida, and that the remainder of the said township was owned by persons to them unknown; that in the year one thousand eight hundred and fourteen, they instituted in the said court a suit at law, for the partition of the said township; that commissioners were appointed by the said court to make partition thereof, who divided the same into lots, and allotted a part thereof to the said John Jay, a part thereof to the said Peter Jay Munro, and a part thereof to the said unknown owners; that the said partition was confirmed by the judgment of the said court, at the last May term thereof; that the said John Jay paid to the comptroller of this state, his equal fourth part of all taxes assessed upon the said land, before the partition thereof; that the said Peter Jay Munro has paid his equal fourth part of all such taxes, except a small sum, the omission to pay which was occasioned by mistake; that the said unknown owners having omitted to pay their proportion of the said taxes, the said comptroller in November last sold, for the arrears of taxes which had been assessed on the said land, four thousand eight hundred acres of the said township, no regard being had to the said partition; which representations appear to the Legislature to be true.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That the several lots and parcels of land allotted to the said John Jay by the said partition, that is to say, lots number one, fourteen, sixteen, twenty-six, twenty-eight, twenty-nine, thirty-five, thirty-six, thirty-eight, thirty-nine, forty-six and the north east quarter of lot number thirteen, be, and they are hereby declared to be discharged and exonerated from the payment of all arrears of taxes remaining due upon the said township, at the time of the completion of the said partition, and from the interest and costs accrued thereon, and from the sale before mentioned.

II. *And be it further enacted,* That if the said Peter Jay Munro shall, on or before the first day of May next, pay to the comptroller the sum of eighty-four dollars and thirty-nine cents, being the principal and interest of the sum so omitted to be paid by him as aforesaid, then and from thenceforth the several lots and parcels of land allotted to him by the said partition, that is to say, lots number three, four, seven, nine, seventeen, twenty, twenty-four, thirty-one, thirty-four, forty, forty-three, forty-four, and the north-west quarter of lot number thirteen, shall be discharged and exonerated from the payment of all arrears of taxes remaining due upon the said township at the time of the completion of the said partition, and from the interest and costs accrued thereon, and from the sale before mentioned.

III. *And be it further enacted*, That the residue of the said township shall be subject to the said arrears, interest and costs, and to the said sale, in like manner as if the said arrears had been originally assessed and chargeable on the said residue only.

CHAP. CXI.

AN ACT for the relief of the President and Directors of the Ithaca and Geneva Turnpike Company.

Passed April 12, 1816.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the time mentioned in the act incorporating said company for the completion of the road, shall be and hereby is extended to the first day of October, one thousand eight hundred and seventeen; and if said road be completed by the day last mentioned, the said act of incorporation shall be and remain in full force, any thing therein to the contrary notwithstanding.

CHAP. CXII.

AN ACT to amend the act, entitled "*an act to incorporate the Washington Insurance Company of the city of New-York*," passed March 18, 1814.

Passed April 12, 1816.

WHEREAS it has been represented by the memorial of the said company, under their seal, that it would be of very great convenience to the said company, and the persons who transact business with them, that the said company should be authorised to dispense with the use and application of their seal to such policies of insurance as may hereafter be made and entered into by the said corporation with any person or persons who may transact business with them, and praying the Legislature to grant them such privilege: Therefore,

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the Washington insurance company of the city of New-York to dispense with the use and application of their seal to such policies of insurance as may be hereafter made or entered into by the said corporation, with any person or persons whomsoever; and that all policies of insurance hereafter to be made or entered into by the said corporation, though not under their seal, if subscribed by the president, or in case of his absence, resignation or inability to act, by the president *pro tempore*, or such officer or officers, or person or persons, as may be for that purpose authorised by the act of incorporation or the by-laws of said incorporation, and countersigned by the secretary, shall be binding and obligatory upon the said corporation, and shall have the like force and effect, to all intents and purposes, as if the seal of the said corporation had been, or was affixed thereto; and that an action upon the case may be maintained thereon, against the said corporation.

CHAP. CXIII.

AN ACT to incorporate the Homer and Genoa Turnpike Company.

Passed April 12, 1816.

*I. Be it enacted by the people of the State of New-York, represented in Senate and Assembly, That Robert T. Shaw, William Goodwin, John Ellis, John Marsh, Joseph Knittles, Elijah Conger, Richard Townley, Abraham Ozman, Harmon Newman, William Miller, Asa Church, and all such other persons as with them shall associate, to make a good and sufficient road, to begin at or near the house of Daniel Miller, in the town of Homer, in the county of Cortland, and running thence the most direct and eligible route to the house of John Ellis, in the town of Dryden, and thence along the state road by the house of Robert T. Shaw, to Cayuga lake, near the mouth of Salmon Creek, in the town of Genoa, shall be and are hereby created a body corporate and politic, in fact and in name, by the name of "the President, Directors and Company of the Homer and Genoa Turnpike road," and by that name they and their successors shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, matters and causes; and by the same name and style shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of the said corporation: *Provided*, that such estate, as well real as personal, so to be purchased and held, shall be necessary to fulfil the intent of the said corporation, and to no other purpose whatsoever.*

Style and powers.

II. And be it further enacted, That the stock of the said company hereby incorporated, shall consist of fifteen hundred shares, of twenty dollars each; and that Elijah Conger, John Ellis and Robert T. Shaw shall be and are hereby appointed commissioners, to receive subscriptions for the said stock, in the manner directed in and by the act, entitled "an act relative to turnpike companies," passed the 13th of March, 1807.

Stock.

III. And be it further enacted, That the said company hereby incorporated, shall be entitled to exact and receive at each of the gates to be erected on the said road, from every person using the same for any number of miles not exceeding ten in length of the said road, the following sums of money, and so in proportion for any greater or less distance, that is to say, for every waggon with two horses or oxen, twelve and an half cents, and three cents for every additional horse or ox used before any waggon, cart or other carriage; for every one horse cart or waggon, six cents; every coach, coachee, phaeton or curricule, with two horses, twenty-five cents; for every sulkey, chair, chaise or other one horse pleasure carriage, twelve and an half cents; for every cart drawn by two oxen, eight cents, and for every additional yoke, four cents; for every horse and rider or led horse, four cents; for every sleigh or sled drawn by two horses or oxen, six cents, and for every

Rates of toll.

additional horse or ox, three cents; for every score of horses, cattle or mules, twenty cents, and so in proportion for a greater or less number; for every score of sheep, or hogs, six cents; for every stage-waggon, drawn by two horses, twelve and an half cents, and three cents for every additional horse.

IV. *And be it further enacted*, That the said company hereby incorporated, shall have and enjoy all the rights, privileges and immunities which are given and granted in and by the act, entitled "an act relative to turnpike companies," and shall be subject to all conditions, provisions, restrictions and regulations contained in the said act: *Provided*, That the real estate of the said corporation shall not exceed the sum of one thousand dollars. Privileges and restrictions.

CHAP. CXIV.

AN ACT *regulating the payment of the compensation of the Attorney of the Brothertown, Oneida and Stockbridge tribes of Indians.*

Passed April 9, 1816.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That the sum of fifty dollars be paid to William Hotchkiss, attorney for the Brothertown, Oneida and Stockbridge Indians, by the treasurer of this state, on the warrant of the comptroller, being the balance due to him for two years' salary ending December last, by virtue of the act, entitled "an act relative to the different tribes and nations of Indians," passed April 10, 1813.

II. *And be it further enacted*, That the treasurer, on the warrant of the comptroller, shall hereafter, annually, pay to the attorney of the said Indians, the sum of seventy-five dollars, in part of the salary allowed him by the act above mentioned; and that the remainder of his salary shall be paid in the manner in said act mentioned.

CHAP. CXV.

AN ACT *for the more effectual collection of Taxes and Assessments in the city of New-York.*

Passed April 12, 1816.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That whenever any tax, of any description, on lands or tenements in the said city, shall remain unpaid on the day upon which the collectors are limited by law to account for the collection of the same, and the collector of the ward in which the same shall be charged, shall make such affidavit in relation to the said tax as is specified in the eleventh section of the act, entitled "an act for the assessment and collection of taxes," passed April 5th, 1813; it shall be lawful for the mayor, recorder and aldermen of the said city, or any five of them, of whom the mayor, or recorder shall be one, to issue a warrant under their hands and seals, directed Taxes how to be levied

to and requiring some proper person to levy the said tax, by distress and sale of the goods and chattels of the owner or owners of such lands or tenements respectively, wheresoever the said goods and chattels may be found in the said city, together with the costs and charges of such distress and sale, rendering the overplus, if any, to the person or persons whose goods and chattels shall be so distrained and sold.

Proceedings in cases where taxes remain unpaid.

Notice to be published.

Lands may be sold for a term of years

II. *And be it further enacted*, That whenever any such tax shall remain unpaid as aforesaid, and the collector shall make such affidavit as is above; and also wherever and whenever any assessment upon any lands or tenements, in the said city, hath heretofore been or hereafter shall be made and confirmed according to law, and the amount of such assessment hath not been or shall not be collected: and the collector shall make affidavit of his demanding the money two several times of such owner or owners of the said lands or tenements as may reside in the said city, and that they have neglected or refused to pay the same, or shall make affidavit that the owner or owners of any such lands or tenements cannot, upon diligent enquiry, be found in the said city, then and in any such case it shall and may be lawful for the mayor, aldermen and commonalty of the city of New-York, to take order for advertising the said lands and tenements, or any of them, for sale, in two or more of the public newspapers printed in the said city, for three months, once in each week; and by such advertisements the owner or owners of such lands and tenements respectively, shall be required to pay the amount of such tax or assessment so remaining unpaid, together with interest thereon, at the rate of seven per cent. per annum (the interest on said tax to be calculated from the time of making the above mentioned affidavit, and the interest on such assessment to be calculated from the time of the confirmation of the said assessment) to the time of payment, with the charges of such notice and advertisement, to the treasurer or chamberlain of the said city; and notice shall be given by such advertisements, that if default shall be made in such payment, such lands and tenements will be sold at public auction, at a day and place therein to be specified, for the lowest term of years at which any person or persons shall offer to take the same, in consideration of advancing the said tax or assessment, and the interest thereon as aforesaid, to the time of sale, and together with the charges of the above mentioned notice and advertisement, and the herein after mentioned certificate, lease and advertisement, and all other costs and charges accrued thereon: And if, notwithstanding such notice, the owner or owners shall refuse or neglect to pay such tax or assessment, with interest as aforesaid, and the charges attending such notice and advertisement, then it shall and may be lawful to and for the said mayor, aldermen and commonalty, to cause such lands and tenements to be sold at public auction, for a term of years, for the purpose and in the manner expressed in the said advertisements; and such sales shall be made on the day for that purpose mentioned in the said advertisements. and shall be continued from day to day, if necessary, until all the lands and tenements, so advertised, shall be sold: And the said mayor, aldermen and commonalty shall give to the purchaser or purchasers of any such lands and tenements, a certificate, in writing, describing the lands and tenements so purchased

the term of years for which the same shall have been sold, the sum paid therefor, and the time when the purchaser will be entitled to a lease for the said lands and tenements: And the mayor, aldermen and commonalty of the city of New-York, shall at least six months before the expiration of two years after any such sale, cause an advertisement to be published, at least once in each week for four weeks successively, in the newspaper printed by the printer to this state, and in one of the public newspapers printed in the city of New-York, in such form as they shall deem best calculated to give notice of such sale; and that unless the lands sold be redeemed by a certain day they would be conveyed to the purchaser: And if the person claiming title to the said lands and tenements, or some one on his or her behalf, shall not within two years from the date of the above mentioned certificate, pay to the street commissioner of the city of New-York, for the use of the purchaser, his executors, administrators or assigns, the sum mentioned in such certificate, together with the interest thereof, at the rate of twenty per cent. per annum, from the date of such certificate, the mayor, aldermen and commonalty of the said city shall, at the expiration of the said two years, execute to the purchaser, his executors, administrators or assigns, a lease, under the common seal of the said city, of the lands and tenements so sold, for such term of years as the same shall have been sold; and such lease shall be conclusive evidence that the sale was regular, according to the provisions of this act: And such purchaser or purchasers, his, her or their executors, administrators and assigns shall, by virtue thereof, and of this act, lawfully hold and enjoy the said lands and tenements, in the said lease mentioned, for his, her or their own proper use, against the owner or owners thereof, and all claiming under him, her or them, until such purchaser's term therein shall be fully complete and ended: And the said purchaser or purchasers, his, her or their executors, administrators and assigns, shall be at liberty to remove all the buildings and materials which he, she or they shall erect or place thereon, during the said term, within one month after the expiration of the said term, but leaving the lands and tenements, with the streets fronting the same, in the order required by the regulations of the common council: *Provided always*, That no such proceedings by advertisement and sale, as aforesaid, shall take place under any assessment heretofore made and confirmed, unless in cases where the same now is a lien or charge on the lots assessed.

III. *And be it further enacted*, That the above mentioned proceeding by advertisement and sale, may take place in any case of such unpaid tax, as is above mentioned, notwithstanding a warrant of distress may have been issued for the collection thereof, in the manner above mentioned, in case the whole or any part of such tax shall be uncollected thereupon. Sole may be made notwithstanding a warrant of distress issued.

IV. *And be it further enacted*, That this act shall not be construed to prevent the collection of any assessment or assessments by distress and sale of the goods and chattels of the owner or owners, occupant or occupants of any lands or tenements therein or thereby assessed. This act not to prevent the sale of goods, &c.

V. *And be it further enacted*, That all the provisions herein before made, relative to the sale of lands and tenements, within the city of New-York, for unpaid taxes, shall apply to all such taxes charged. Former provisions shall apply to arrears of taxes.

ed on lands and tenements within the said city, as shall appear by the returns of the respective collectors, at any time heretofore to have been in arrear.

How to be credited. VI. *And be it further enacted*, That whenever the arrearages of any tax shall be collected, in manner aforesaid, the same shall be carried to the credit of the ward in which it shall be charged.

Certain sections of a former law repealed. VII. *And be it further enacted*, That the one hundred and fifty-sixth, one hundred and fifty-seventh, one hundred and fifty-eighth, two hundred and fifty-ninth and two hundred and sixtieth sections of the act, entitled "an act to reduce several laws relating particularly to the city of New-York, into one act", passed April 9th, 1813, be and the same hereby are repealed: *Provided however*, That such repeal shall not affect any act done, or proceeding had or commenced under the said sections hereby repealed; but every such act and proceeding shall remain as valid as if the said sections had remained in full force: *And provided particularly*, That the proceedings for the sale of certain lands and tenements, for certain unpaid assessments, which are now pending, shall and may proceed, be continued and completed in the same manner as if this act had not been passed, but the said two hundred and fifty-ninth section of the said act had remained in full force.

Proviso.

CHAP. CXVI.

AN ACT to amend an act, entitled "*an act relative to the Sasquahannah Turnpike Road*," passed 20th March, 1804.

Passed April 12, 1816.

Preamble; WHEREAS the president and directors of the Ancram turnpike company, by their petition, have represented that the said road was originally laid out over and across several high hills, thereby increasing the labor and retarding the progress of travellers; that the tolls received have been nearly all expended in keeping the road in repair, and have prayed for authority to alter and improve the route of the said turnpike road, and to erect three whole toll gates on the said road, at such places as they may think proper and consistent with the interest of the public and the said company, all which prayer is deemed reasonable: Therefore,

The route of the road may be altered. I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for the president and directors of the Ancram turnpike company, at any time within three years after the passing of this act, to alter and vary the route of the said road, in such manner, and at such places as the said president and directors, or a majority of them shall order and direct, so however that the terminating points of the said road shall not be varied or altered, nor shall any part of the road be so altered as to be carried more than one mile from the present road.

Gates where to be fixed. II. *And be it further enacted*, That it shall and may be lawful for the president and directors to place three toll gates on the said road, the first of which shall not be more than ten, nor less than nine miles from the Hudson river; one other at a distance not less than

nineteen nor more than twenty miles from the said river; and one other within half a mile of the Connecticut line; at each of which they may ask, demand and receive the like toll as is payable at either of the toll gates, authorised to be established by the act hereby amended: And whenever the said turnpike company shall have completed any part of the contemplated improvements, they may, in the manner hereinafter directed, close such part of the road at present used, as may, by means of such improvement, be rendered useless and unnecessary: *Provided however*, That before such part or *Provide* parts of the said road shall be closed, the altered and improved part shall have been inspected and approved, by two commissioners to be appointed on the application of the said president and directors, by any one of the justices of the supreme court of judicature of this state; the said justice and commissioners not being interested in the stock of the said company, of which inspection and approbation, the said commissioners shall make a certificate in writing, and cause the same to be filed and entered of record in the book of deeds, kept by the clerk of the county of Columbia.

III. *And be it further enacted*, That immediately after the filing of the said certificate, the said road so altered by the said president and directors shall be deemed and taken as and for the turnpike road of the said company, and be entitled, in all things, to the same rights and privileges, and subject to the same restrictions as are set forth and expressed in the act incorporating the said president and directors: *And further*, The said president and directors may immediately thereafter close up and sell such parts of the present road as may, by such alterations, be abandoned: *Provided*, That no sale shall be made to any other person than the reversioner or owner of the land adjacent, according to the tenure by which he shall hold such adjacent land, upon the said reversioner or owner paying to the said company the price at which said land was appraised to the said company, at or before the construction of the original road: *And provided further*, That all such parts of the said road as were ceded to the said company, freely and without compensation, shall immediately revert to the person or persons granting or ceding the same, according to the Interest he or they held in the same at the time of such cession or grant. *Privileges, &c. Provide.*

CHAP. CXVII.

AN ACT vesting in the Trustees of St. Peter's Church, in the city of New-York, and state of New-York, all the right and title of the people of this state, in the estate of Ann Eleanor Graham, deceased.

Passed April 12, 1816.

WHEREAS it hath been represented to the legislature, that Ann Eleanor Graham, late of the city of New-York, being seised and possessed of certain real and personal estate, did by her last will and testament, devise and bequeath the same to certain trustees, in trust, for the sole and exclusive benefit of the charity school, belonging to or under the care of the Roman Catholic church, in the city of New-York, called St. Peter's church; that at the time of making

the said last will and testament, the said Ann Eleanor Graham, was not of competent age to devise real estate, and that she afterwards died, leaving no person capable of inheriting the said real estate; *And whereas*, the trustees of the said church have, by their petition, prayed that the right and title of the people of this state, in the said estate, may be vested in them, for the purposes aforesaid; Therefore,

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That all the estate, right, title and interest of the people of this state, in and to the real and personal estate, whereof the said Ann Eleanor Graham died seised and possessed, be and the same is hereby vested in the trustees of St. Peter's church, in the city of New-York, and state of New-York, and their successors, to have, hold and possess the same, in trust, for the uses and purposes mentioned in the last will and testament of the said Ann Eleanor Graham.

CHAP. CXVIII.

AN ACT to annex a part of the town of Angelica to the town of Alfred, in the county of Allegany.

Passed April 12, 1816.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That all that part of the town of Angelica, in the county of Allegany, comprehended within the following limits, to wit: Beginning at the south-west corner of the town of Alfred, thence west on the south line of the town of Angelica, three miles; thence north twenty-four miles, to the north line of township number four; thence east, bounding on the north line of said township number four, three miles to the west line of the town of Alfred, shall be and is hereby annexed to the town of Alfred.

CHAP. CXIX.

AN ACT concerning the proof of deeds in foreign countries.

Passed April 12, 1816.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That all acknowledgments and proofs of any deeds, conveyances or writings of and concerning any lands, tenements or real estate, within this state, hereafter to be made by any person or persons, actually residing or being in any state or kingdom in Europe, before any minister of the United States, resident and accredited within such state or kingdom, such acknowledgments or proofs being made, taken and certified according to the directions of the act, entitled "an act concerning deeds," shall be of the like force and validity, and entitle the same to be recorded or registered in like manner, as if the same were taken or made before a judge of the supreme court of this state.

THIRTY-NINTH SESSION.

CHAP. CXX.

AN ACT to divide the county of Montgomery into two counties, and for other purposes.

Passed April 12, 1816.

I. BE it enacted by the people of the State of New-York, *represented in Senate and Assembly*, That all that part of the county of Montgomery, lying north of the tract of land, called Jerseyfield, and the south bounds of the township of Benson continued to the west bounds of the county of Saratoga, be erected into a county by the name of Hamilton, and that the remaining part of the county of Montgomery be and remain a separate county, by the name of Montgomery; which said county of Hamilton, shall have the like powers and privileges, as other counties in the state possess and enjoy: *Provided*, That the said county of Hamilton shall be organized, and for all county purposes shall act in conjunction with the county of Montgomery, as a part thereof, and shall remain so organized until it shall contain one, thousand two hundred and eighty-eight taxable inhabitants, qualified to vote for members of assembly, which shall be ascertained in the following manner to wit: The supervisors of the said counties of Hamilton and Montgomery, at their annual meetings, shall ascertain from the assessment rolls of the towns in the said county of Hamilton, the number of inhabitants of said county, qualified to vote as aforesaid, and when they shall amount to one thousand two hundred and eighty-eight, the said supervisors shall certify the same, under their hands and seals, to the person administering the government of this state, for the time being, and thereafter the said county of Hamilton shall be organized as a separate county.

Hamilton county erected.

Provide.

II. And be it further enacted, That after the organization as aforesaid, and appointing and commissioning the civil officers for said county, there shall be held in and for said county, a court of common pleas and general sessions of the peace, and that there shall be three terms of the said court of common pleas, and two terms of the said court of general sessions of the peace in said county, in every year; the terms of said court of common pleas to begin on the third Tuesday of February, and the fourth Tuesday of June and November in every year; and the terms of the said court of general sessions of the peace to begin on the fourth Tuesdays of June and November, in every year, and may continue to be held until the several Saturdays next following inclusive; and that the said court shall have the like power and jurisdiction as the like courts in the other counties in the state have: *Provided always*, That nothing in this act contained shall be construed to affect any action or prosecution already commenced, before the holding of the first term of the said courts in the said county of Hamilton, so as to work a wrong or prejudice to any of the parties therein, or to affect any criminal or other proceedings on the part of the people of the state; but all such civil or criminal proceedings may be prosecuted to trial, judgment and execution, as if this act had not been passed.

Courts to be holden when the county is organized.

Provide.

III. And be it further enacted, That the said court of common pleas and general sessions of the peace, in and for said county, shall be held at the court-house, to be erected at such place in

Supervisors to fix the place of holding courts.

said county as shall hereafter be appointed by law; and that until then the said courts, if any, shall be held at such place in the said county as the supervisors thereof, or a majority of them shall appoint, in writing, under their hands, which appointment shall be filed with the clerk of said county, at least thirty days before the time of holding said court, and who shall immediately thereafter cause three copies thereof to be made and put up at three of the most public places in said county.

Prisoners
where to be
confined.

IV. *And be it further enacted*, That the prisoners of said county shall be confined in the gaol of the county of Montgomery, until the gaol to be erected in the manner herein before provided, in said county of Hamilton, shall be finished, in such manner as, in the opinion of the sheriff of said last mentioned county, for the time being, will confine the prisoners of the same; when it shall be lawful for said sheriff to remove and commit them to the gaol of said county of Hamilton.

The county
to be part
of the east-
ern district,
and 14th
congressional
district.

V. *And be it further enacted*, That the said county of Hamilton, shall be considered a part of the eastern district of this state, and that the said county be and remain a part of the fourteenth congressional district in this state, and annexed to the district now composed of the counties of Albany, Schoenectady, Schoharie, Saratoga and Montgomery, as it respects all proceedings under the act, entitled "an act relative to district attorneys."

Circuits
when to be
held.

VI. *And be it further enacted*, That no circuit court or court of oyer and terminer and general gaol delivery, shall be held in said county, until the same, in the opinion of the justices of the supreme court, be necessary.

To elect one
member of
assembly.

VII. *And be it further enacted*, That as soon as the said county shall be organized, in manner prescribed by the first section of this act, the distribution of the representation in the assembly of this state, shall be four members in the county of Montgomery, and one in the county of Hamilton, any law to the contrary notwithstanding.

Certain
towns to be
altered.

VIII. *And be it further enacted*, That all those parts of the towns of Mayfield and Northampton, lying within the limits of the county of Hamilton, and north of the south bounds of the same, be annexed to the town of Wells; and that all those parts of the towns of Johnstown, Stratford and Salisbury, lying within the limits and north of the south bounds of the same, be annexed to the town of Lake-Pleasant; and the supervisors of said towns shall, as soon as may be, after the first day of May next, on notice for that purpose being given, meet and divide the poor aid monies belonging to the said towns, according to the distribution of the territory of said towns, and the last tax lists thereof.

CHAP. CXXI.

AN ACT to amend the act, entitled "an act to incorporate the Mutual Insurance Company, of the city of New-York."

Passed April 12, 1816.

I. *Be it enacted by the people of the State of New-York, represented in Senate and Assembly*, That after the expiration of the

act hereby amended, the Mutual Insurance company, of the city of New-York, shall and may continue to exist as a corporate body, and shall be and are hereby authorised to exercise all the powers contained in their said act of incorporation, and which is hereby renewed until the Legislature of the state of New-York shall thereafter pass an act to limit such duration: *Provided*, however, that such limitation shall not be for a less term than ten years from the passing such act

II. *And be it further enacted*, That the policies of insurance and contracts hereafter to be made or entered into by the said corporation, though not under seal if subscribed by the president, or in case of his absence resignation or inability to act, by such officer or officers, or person or persons, as may be for that purpose selected by the by-laws of the said corporation, and countersigned by the secretary, shall be binding or obligatory upon the said corporation, and shall have the like force and effect, to all intents and purposes, as if the seal of the said corporation had been or was affixed thereto; and that an action upon the case may be maintained thereon against the said corporation.

CHAP. CXXII.

AN ACT supplementary to an act, entitled "*an act to incorporate the Newtown and Bushwick road Turnpike Company,*" passed the 25th March, 1814.

Passed April 12, 1816.

WHEREAS two of the commissioners named in the act incorporating the Newtown and Bushwick road turnpike company, passed the 25th March, 1814, to wit, Folkert Wyckoff and David Gardiner, having died before the said act could be carried into effect, and the president and directors of the said company having on the seventh day of June last appointed John Van-erbilt, junior, and Willett Mott, of the city of New-York, to act as commissioners in the room of the said Folkert Wyckoff and David Gardiner, deceased: Therefore,

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the appointment of the said John Vanderbilt, junior, and Willett Mott, and their act or acts, as commissioners in laying out the road of the said company, be, and the same are hereby confirmed.

CHAP. CXXIII.

AN ACT authorising Gershom Townner and John Loop and William Wambaugh to erect dams across certain rivers therein mentioned.

Passed April 12, 1816.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That Gershom Townner and John

Loop are hereby authorised to erect a dam, not to exceed three feet in height, across the Conhocton river, in the county of Steuben, about eight miles above the village of Bath, and on the lands owned by the said Gershom Towner, for the purpose of erecting mills: *Provided*, that the said Gershom Towner and John Loop shall erect an apron or lock in the said dam, of such construction as to render the passage safe and easy for rafts, arks and boats, common in said river, at all times during the continuance of said dam: *And provided further*, that if the passage aforesaid shall at any time be obstructed, the grant hereby intended to be made, shall be absolutely void.

II. *And be it further enacted*, That William Wambaugh is hereby authorised to erect a dam, not to exceed two feet in height, across the Canisteo river, about thirty rods below the bridge which crosses said river, in the town of Addison, in the county of Steuben, with the privilege of erecting, in times of low water, when the said river cannot be navigated, slash boards three feet high on said dam, for the purpose of erecting mills: *Provided*, that the said William Wambaugh shall erect an apron or lock in the said dam, of such construction as to render the passage safe and easy for arks, rafts and boats, common in said river, at all times during the continuance of the said dam: *And provided further*, that if the passage aforesaid shall at any time be obstructed, the grant hereby intended to be made, shall be absolutely void: *And provided further*, that nothing herein contained shall authorise either of the persons herein named to flood the lands of any other person or persons.

CHAP. CXXIV.

AN ACT to alter the name of the town of Bengal.

Passed April 12, 1816.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That from and after the first day of June next the town of Bengal, in the county of Oneida, shall be called and known by the name of Vienna.

CHAP. CXXV.

AN ACT relative to the Eastern Union Turnpike.

Passed April 12, 1816.

WHEREAS the president, directors and company of the Eastern Union turnpike road, have by their petition set forth, that they have completed more than nine miles of the said road, over the most difficult and mountainous part of the same, and which has entirely exhausted the subscription and funds of the said company, leaving about three miles at the east end, and two miles at the west end of the tract of said road unfinished; and praying further time to finish the same, and to be permitted to erect a half toll gate when

the said road is completed, in addition to the gate already erected :
Therefore,

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the time for finishing the said road be extended to the first day of July, in the year one thousand eight hundred and twenty-seven ; and it shall be lawful for the said president, directors and company, when the said road shall be completed, to erect another gate on the same, and to collect thereat one half the tolls now allowed to be collected at the gate already erected, and to continue to collect at the gate now erected, the tolls now allowed by law to be received at the same, and so to continue to receive the same, until the Legislature shall or may otherwise direct.

CHAP. CXXVI.

AN ACT to amend the act, entitled "an act to incorporate the Hamilton and Skeneateles Turnpike Company," passed the second day of April, 1806.

Passed April 12, 1816.

I. BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the president and directors of the Hamilton and Skeneateles turnpike company, to demand and receive toll from the same description of persons as are liable to the payment of toll by the general law, entitled "an act relative to turnpike companies," passed March 13th, 1807, (excepting such persons as hereafter are excepted) any thing contained in the said act of incorporation to the contrary notwithstanding.

II. And be it further enacted, That all persons who have heretofore been stockholders in said company, or have in any way, either by subscribing and paying for the making of the said turnpike road, or in any way have contributed to the making of the same, either in labor or money, or by voluntary donation to the amount of ten dollars, shall be entitled to all the privileges and be under the same regulations as if this law had not been passed.

III. And be it further enacted, That the time for making and completing the said turnpike, be and is hereby extended until the first day of January, in the year of our Lord one thousand eight hundred and nineteen.

CHAP. CXXVII.

AN ACT for the relief of Myndert Wemple.

Passed April 12, 1816.

WHEREAS it appears from the report of the surveyor general, that the survey made by Joseph Annin, of the one hundred acres of land, granted to Myndert Wemple, pursuant to the act, entitled "an act for the sale of the unappropriated lands, and for other purposes,"

passed April 6, 1803. made the bounds thereof so as to take in one acre and one sixteenth of an acre beyond the eastern extent of said grant; and it is represented that valuable improvements have been made thereon by the said Myndert Wemple: Therefore,

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the line run as aforesaid, by Joseph Annin, for the east bounds of said one hundred acres, be confirmed: *Provided,* the said Myndert Wemple shall, within one year from the passing of this act, pay to the treasurer of the state, the sum that may be assessed or appraised by the surveyor general, or by a person or persons appointed by him to appraise the same; and it is hereby made the duty of the surveyor general to affix a valuation to said land, or appoint a person or persons to do the same, within six months from the passing this act.

CHAP. CXXVIII.

AN ACT to extend the time for completing the Westchester and Dutchess Turnpike Road.

Passed April 12, 1816.

WHEREAS the president and directors of the Westchester and Dutchess turnpike road company, have by their petition prayed for an extension of the time for completing said road: Therefore,

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the time for completing said road be, and the same is hereby extended to the first day of May, in the year of our Lord one thousand eight hundred and twenty-one.

CHAP. CXXIX.

AN ACT in addition to the act, entitled "an act to vest certain powers in the Frecholders and Inhabitants of the village of Cazenovia.

Passed April 12, 1816.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly,* That it shall be the duty of the commissioners of highways, in the town of Cazenovia, in the county of Madison, to form one road district of that part of said town, comprehended within the limits of the village of Cazenovia, as described in the act of incorporation of said village: And that the president of said village, for the time being, shall be the overseer of highways in said road district; and shall cause the assessments upon the inhabitants of said road district, under the act, entitled "an act to regulate highways," to be expended within the limits of said district.

II. *And be it further enacted,* That this act shall continue in force for the term of three years from the passage thereof, and no longer.

III. *And be it further enacted*, That it shall and may be lawful for any of the inhabitants of said village, to work their highway tax for the present year, or any part thereof, within the limits of said village, under the direction of the president thereof; and such inhabitant shall have credit for the same, on the tax list of the district to which he may belong, on producing to the overseer of such district a certificate of the number of days he may have worked as aforesaid, signed by the president of said village: *Provided however*, that such certificate shall be produced to the overseers of highways in such district, previous to the first day of September next.

CHAP. CXXX.

AN ACT vesting certain powers in the Freeholders and Inhabitants of the village of Bath, in the county of Steuben.

Passed April 12, 1816.

I. *BE it enacted by the people of the State of New-York, represented in Sena'e and Assembly*, That the district of country contained within two miles square, of which the public square in the village of Bath, in the county of Steuben, called Pultney square, shall be the centre, shall continue to be known and distinguished by the name of the village of Bath: And the freeholders and inhabitants of said village qualified to vote at town meetings, and who may from time to time reside within the aforesaid limits, shall annually, on the second Tuesday of May, meet at the court-house in the said village, a notice of which meeting shall be made in writing, and signed by a justice of the peace residing in the said county of Steuben, and put up in three public places, ten days before the said second Tuesday in May next, and then and there proceed to elect five discreet freeholders, residents within said village, to be trustees thereof; who, when chosen, shall possess the several powers and rights hereinafter specified: And such justice shall preside at such election, and shall declare the persons having the greatest number of votes, duly elected trustees; and on every second Tuesday in May, after the first election of trustees, there shall in like manner be a new election of trustees for said village; and the trustees for the time being shall perform the duties required, in respect to notifying meetings and presiding at such elections.

II. *And be it further enacted*, That all the freeholders and inhabitants residing within the said limits be, and they are hereby ordained, constituted and declared to be, from time to time, and forever hereafter, a body corporate and politic, in name and in fact, by the name and style of "the Trustees of the village of Bath;" and by that name they and their successors forever shall and may have perpetual succession, and be persons capable in the law of suing and being sued, and of defending and being defended, in all courts and places whatsoever, and in all manner of actions, causes and complaints whatsoever; and that they and their successors may have a common seal, and may change and alter the same at pleasure, and shall be in law capable of purchasing, holding and conveying

any estate, real or personal, for the public use of said village; and erecting any buildings or aqueducts, and digging any reservoirs for water, for the use of the said village, and for keeping in repair such aqueducts, buildings and reservoirs; of purchasing and keeping in repair, fire engines, ladders, buckets and other instruments, for extinguishing fires, for improving the streets, erecting hay-scales, and for making any other regulations; for preventing and extinguishing fires, and preventing and removing nuisances; and for raising a sum by tax for the purposes aforesaid: *Provided*, that no tax shall be levied, or money raised, assessed or collected, for the purposes aforesaid, and purchase or sale of any real estate be made, and no building or reservoir be made, or disposed of, without the consent of the freeholders and inhabitants of said village, or the major part of them, at the annual meeting for the election of trustees, first obtained.

By-laws to
be made.

III. *And be it further enacted*, That it shall and may be lawful for the trustees of said village, or a major part thereof, and for their successors in office forever, to make, ordain, constitute and publish such prudential by-laws, rules and regulations, as they from time to time shall deem meet and proper, and such in particular as relate to public markets within said village; relative to the streets, alleys and highways therein; and draining, filling up, paving, flagging, keeping in order and improving the same; relative to slaughter houses, and nuisances generally; relative to a town watch, and lighting the streets of the said village; relative to the number of taverns or inns to be licensed in the said village; relative to the restraining of geese, horses, swine, sheep, or cattle of any kind; relative to the inspection of weights and measures; and relative to erecting and regulating hay scales; and relative to any thing whatsoever, that may concern the public, and good government of the said village; but no such by-laws shall extend to the regulating or ascertaining the prices of any commodities, except the article of bread, that may be offered for sale: *Provided*, that such by-laws be not contrary to, or inconsistent with the laws and statutes of this state, or of the United States.

Fines may
be imposed.

IV. *And be it further enacted*, That the said trustees, or a major part of them, as often as they shall make, ordain and publish any such by-laws for the purposes aforesaid, may make, ordain, limit and provide, such reasonable fines, against the offenders of such laws, as they may deem proper, not exceeding twenty-five dollars for any one offence, to be prosecuted and recovered by action of debt, before any justice of the peace, with costs of suit, by and in the name of the trustees, for the use of said corporation; in which action it shall be sufficient to declare generally, that the defendant or defendants is or are indebted to the trustees of the village of Bath, in the amount of the debt, penalty, fine or forfeiture, by virtue of this act to be paid to the said trustees for the time being, when thereunto required, and under such declaration to give the special matter in evidence.

Officers to
be chosen.

V. *And be it further enacted*, That the freeholders and inhabitants, qualified to vote for trustees as aforesaid, at their annual meeting, shall, and they are hereby authorised to choose, one treasurer and one collector, being freeholders of said village, and the

person having the greatest number of votes for each office respectively, shall be deemed duly chosen; and in case a vacancy shall happen, in either of the above offices, by death or removal from said village, or refusal to serve, the trustees shall have the power of appointing some other freeholder of said village to supply such vacancy; and the person so appointed, shall be liable to the same penalties and restrictions, as if duly elected at the annual meeting.

VI. *And be it further enacted*, That the trustees, treasurer and collector shall, before they proceed to execute their respective offices, and within ten days after their election respectively, take and subscribe an oath or affirmation, before any justice of the peace of the said county of Steuben, for the faithful execution of the office or trust to which they may be severally elected: *Provided nevertheless*, that the said treasurer and collector, before they take the oath or affirmation aforesaid, shall respectively give securities, to the trustees of said village, for the respective discharge of their respective offices, in such sum as a majority of them shall deem sufficient.

They shall take and subscribe an oath.

VII. *And be it further enacted*, That it shall be lawful for the trustees of said village, or a majority of them, to appoint not exceeding twenty-five firemen, out of the inhabitants of said village, and the same or any of them to remove at pleasure, and to appoint others in their stead; to regulate the times of meeting and exercises of said company of firemen, to appoint their captain and other officers, and to make such by-laws, rules and regulations for the government of said company, and inflict, ordain and establish such penalties for the breaking or disobeying such by-laws, rules and regulations, as they may deem expedient: *Provided*, that no fine or penalty shall be inflicted on any firemen, exceeding two dollars for any one offence, and that the trustees shall have the power of remitting such fines and penalties, whenever a majority of them shall deem it proper.

Firemen.

VIII. *And be it further enacted*, That it shall be the duty of the said trustees and their successors, annually to assess on the several inhabitants and freeholders living in the said village, the amount of the taxes which the freeholders and inhabitants shall, at their annual meetings, determine to be raised, levied or collected, in proportion to the property and situation of the inhabitants so to be assessed, and the advantages they shall respectively derive from said tax; and they shall also execute the duties of fire-wardens of said village, in cases of fire: *Provided*, that if any person shall deem himself or herself aggrieved by any such assessment as aforesaid, it shall be lawful for any such person to appeal from the determination of the trustees to any three justices of the peace in the said county of Steuben, giving notice to the said trustees of such appeal, and of the time and place for determining thereof, by such justices, who shall hear the same, and to do therein what to justice shall appertain.

Taxes.

IX. *And be it further enacted*, That the trustees, within twenty days after their election, or a major part of them, shall, and it is hereby made their duty, to assemble at some convenient place in said village, and there to choose and appoint some one suitable person of their body, to be president of the board of trustees, and some other suitable person to be clerk of said board of trustees; and it shall be the duty of the president to preside at the meetings of the

President to be chosen.

trustees; to order extraordinary meetings whenever he may consider it for the interest of the said village; to see that all by-laws and regulations of the said village are enforced and faithfully executed; to prosecute in the name of the trustees all offences against, or violations of the by-laws ordained and published as aforesaid; to keep the seal of said village, and to affix it, together with his signature, to all such rules and regulations as a majority of the trustees shall deem proper: And in case of the death, removal or inability of the president to discharge the duties of his office, it shall be the duty of the secretary to notify the other trustees of such death, removal or inability, who shall within ten days thereafter, meet and elect another president of their body, to hold his office until the next annual meeting; and it shall be the further duty of the president, to take care of and preserve all the property belonging to the village, to preside over all public meetings of said village, and to do all other things proper for the president of the village to do: And it shall be the duty of the clerk to keep the minutes of all such votes, orders, rules and regulations, as are made by the freeholders and inhabitants of said village at their public meetings; and also to attend the meetings of the trustees, and record all by-laws, rules and regulations passed by them; and the trustees shall have power to remove such clerk and appoint another, and to appoint one pro tempore in the absence of the clerk; and the clerk shall receive such compensation for his services, as the trustees shall deem sufficient, to be paid out of the funds of the village.

Collector's
duty.

X. *And be it further enacted*, That the collector shall, within such time as shall be hereafter limited by the by-laws of the corporation, after receipt of his warrant for the collecting any tax that may have been ordered to be raised, collect and pay the same over to the treasurer; and that such collector shall have and exercise the same power in collecting said taxes, by distress and sale, as the several collectors of towns have in the levying and collecting of taxes; and that all monies, which may at any time be in the hands of the treasurer, shall be liable to be drawn out by the trustees, or a majority of them, and applied agreeably to the provisions of this act.

Accounts to
be kept.

XI. *And be it further enacted*, That the said trustees shall keep an account of their necessary disbursements, and on exhibiting the same to the treasurer, shall be entitled to receive the amount thereof out of any monies in the treasury, and the treasurer and collector shall receive for their several services such suitable compensation as the freeholders and inhabitants of said village shall, at their annual meetings, determine.

Penalty for
not serving
when elect
ed to office.

XII. *And be it further enacted*, That if any one of the inhabitants of said village, qualified as aforesaid, shall be elected or chosen a trustee, and shall refuse or neglect to serve as such, it shall be lawful for the trustees, who do accept and serve, or a majority of them, to impose upon such person a fine, not exceeding ten dollars for any one offence; and that every fine and penalty imposed agreeably to the provisions of this act, may be sued for and recovered, in the name of the trustees, in an action of debt, in which it shall be sufficient for the trustees to declare generally, that the defendant is indebted to them, by virtue of this act.

XIII. *And be it further enacted*, That the trustees, treasurer and collector, to be elected by virtue of this act, shall hold their respective offices until the second Tuesday of May next following after their election as aforesaid, and until a new election shall be made, pursuant to this act, and until the officers so last chosen shall take and subscribe the oath or affidavit, and give the security required by this act. Treasurer & collector to hold their offices for one year.

XIV. *And be it further enacted*, That it shall be the duty of the president, to give notice to the inhabitants of said village, of all public meetings, at least ten days previous thereto, in such manner as a majority of the trustees shall deem proper; and that it shall be lawful for the trustees, or a majority of them, to call a public meeting of the inhabitants of said village, whenever they may think it expedient. Notice to be given of meetings.

XV. *And be it further enacted*, That all fines, penalties and forfeitures, and all monies obtained in any manner whatever, by virtue of this act, shall be paid into the hands of the treasurer, for the use of the said village; and the treasurer shall, and he is hereby authorized, in case any person having received any money by virtue of this act, to and for the use and benefit of said village, and shall refuse or neglect to pay the same to him, to prosecute every such offender, in the name of the trustees of said village, for monies had and received, to and for the use of the said village. Fines, &c. how to be paid.

XVI. *And be it further enacted*, That this act shall be, and is hereby declared a public act. This is a public act.

CHAP. CXXXI.

AN ACT to incorporate the city of Troy.

Passed April 12, 1816.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That all that district of country, in the county of Rensselaer, contained within the boundary lines of the town of Troy, as now established by law, and all the freemen of this state, inhabitants within the limits aforesaid, be and hereby are ordained, constituted and declared to be, from time to time, and forever hereafter, one body, corporate and politic, in fact and in name, by the name of "The Mayor, Recorder, Aldermen and Commonalty of the city of Troy," and that by that name they and their successors, forever, shall and may have perpetual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and of what kind or nature soever; and that they and their successors may have a common seal, and may change and alter the same at their pleasure; and also that they and their successors, by the name of the mayor, recorder, aldermen and commonalty of the city of Troy, shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the public use of the said corporation; and that the said mayor, aldermen, recorder and commonalty, and their succes- Bounds of the city of Troy.
Corporate name, rights and powers.

sors, shall, by virtue of this act, become and be absolutely and completely vested with, possess and enjoy all the lands, tenements, hereditaments, property, rights, causes of action, privileges, immunities and estate whatsoever, both in law and equity, in possession, reversion or remainder, which at the time of passing of this act, are vested in or belong to the trustees of the village of Troy; and shall be vested with the powers and perform the duties which the said trustees are authorised to do and perform, by virtue of the act, entitled "an act for the further improvement of the navigation of the Hudson river, between the village of Troy and Coeyman's overslaugh, passed 15th June, 1812:" *Provided*, That nothing in this act contained shall affect any suit or suits now pending in the name of the trustees of the village of Troy.

II. And be it further enacted, That the said city shall be divided into six wards, in manner following, to wit: All that part of said city, bounded south by Poesten-kill; west by the west bounds of said city; north by a line running through the center or middle of Ferry-street, and parallel with the same, from the said west bounds of said city to the east bounds of the village of Troy, as now established by law; and thence on the same east bounds of the village of Troy, to said Poesten-kill, shall constitute one ward, and be denominated the first ward: And all that part of said city, bounded on the south by the north bounds of said first ward; west by the west bounds of said city; and north by a line running from said west bounds of said city through the center or middle of State-street, and parallel therewith, to the east bounds of the village of Troy, as at present established by law; and thence on the same east bounds of said village, to the place of beginning, shall constitute one ward, and be denominated the second ward: And all that part of said city, bounded on the south by the north boundary line of said second ward; west by the west bounds of said city, and north by a line drawn from the same west bounds of said city, to and through the center or middle of Elbow-street, to the east bounds of said village, as now established by law; and thence on the same east bounds of said village, to the north bounds of said second ward, shall constitute one ward, and be denominated the third ward: And all that part of said city, bounded on the south by said third ward; west by the west bounds of said city; north by the north bounds of said village of Troy, as now established by law; and east by the east bounds of the same village, shall constitute one ward, and be denominated the fourth ward: And all that part of said city, not included in either the said first, second, third or fourth wards, which lies north of a line, beginning at the bridge standing across Poesten-kill, near the grist-mill of Townsend M'Coun, in said city, and running along the south line of the road running over and across said bridge, up the hollow, until it intersects the road, usually called the Schuyler road; and then by a line running due south, to the south bounds of said city, shall constitute one ward, and be denominated the fifth ward: And all the rest and residue of the same city, not included within the bounds of either of the before mentioned wards, shall constitute one ward, to be denominated the sixth ward.

III. And be it further enacted, That there be, and forever hereafter there shall be, in and for the said city, one mayor, one recorder,

six aldermen, four assistants, one clerk, one marshal, one chamberlain, one supervisor, one or more collectors, six assessors and six constables.

IV. *And be it further enacted*, That the person administering the government of this state, by and with the advice and consent of the council of appointment, shall annually, during the session of the legislature, or at such time as the said council shall be assembled next, before the first day of May in every year, nominate and appoint, out of the inhabitants of the said city, the said mayor, recorder and marshal, who shall hold their offices for one year, and until others shall be appointed and sworn in their stead; but the said marshal shall not continue in his office for a longer period, successively, than the sheriffs of the several counties of this state; and it shall be the duty of the said marshal to execute all writs and process within the said city, which shall issue from the courts and magistrates thereof, in and about the administration of justice therein, in the same manner as the sheriffs of the several cities and counties of this state are by law authorised to do: And the said officers shall continue to be appointed as aforesaid until the legislature shall otherwise direct.

V. *And be it further enacted*, That all elections for aldermen, assistants, supervisor, assessors and constables, held in any of the wards of the said city, shall be by ballot, and conducted as follows: Every person qualified to vote at any such election, who shall offer himself to vote, shall at such election openly deliver his ballot to one of the officers holding the said election; which ballot shall be a paper ticket, containing the name or names of such officer or officers as shall be to be chosen in the ward in which the elector shall reside, or such or so many of them, respectively, as he shall think proper to vote for, designating who are voted for as aldermen, and the like for all the officers to be chosen at such election, and for whom the said elector shall think proper to vote: And the said paper ticket shall be so folded or closed as to conceal the writing thereon; and on the receipt of every such ballot, the officer holding such election shall, without suffering the same to be opened or inspected, cause the same to be put into a box, to be provided by the common council, for that purpose: *And further*, That the poll of such election shall be opened at ten o'clock in the forenoon, and shall continue open until three o'clock in the afternoon of the same day, and no longer; and that the name of each elector, voting at such election, shall be written in the poll lists to be kept at such election, by the officers holding the same; and that after finally closing the poll of any such election, the officers holding the same, in any of the said wards, shall proceed, without delay, publicly to open the said ballots, and shall first count the said ballots, unopened; and if the number of ballots so counted shall exceed the number of electors contained in the poll lists, the officer holding the said election, shall draw out and destroy, unopened, so many of the said ballots as shall amount to the excess; and if two or more ballots are found rolled or folded up together, they shall not be estimated; and thereupon the officers holding such election shall immediately proceed, openly and publicly, to canvass and estimate the votes given at such election, and shall complete the said canvass and estimate on the same day, and shall thereupon certify and declare the number of votes given for each person, for each re-

The mayor, recorder and marshal to be appointed by the council of appointment annually.

Election of aldermen, &c. how to be conducted.

spective officer, and shall file such certificate in the office of the clerk of the said city on the same day.

Election to be held on the second Tuesday in May, in each year.

VI. *And be it further enacted*, That an election shall be held in each of the wards of the said city, on the second Tuesday of May, in each year, forever hereafter, at such places as the common council of said city shall appoint, and of which place public notice shall be given in writing, in at least three public places in said ward, by the inspectors thereof; at which election one alderman, one assistant, one constable and one assessor, shall be annually chosen in each of the said wards, respectively, excepting that in the said fifth and sixth wards, no assistant shall be chosen; of which election the alderman and assistant in each ward respectively, for the time being, or such other person or persons as the common council shall, for that purpose, appoint, shall be inspectors, excepting that the first election in the several wards of the said city, on the second Tuesday in May next, shall be held at such place in each of the said wards, and under the direction of such persons as the president and trustees of the said village of Troy may for that purpose appoint, as inspectors of such elections, and as proper places for holding such first election; and every person offering to vote at any such election, shall at the time of offering his vote, be an actual resident of the ward in which the same is offered; and shall, if required by any person qualified to vote thereat, before he is permitted to vote, take one of the following oaths, viz:

Oath to be taken by persons offering to vote if required.

" I ———, do solemnly swear and declare (or affirm, as the case may be) that I am a citizen of the United States, and of the age of twenty-one years, and have resided within this city for six months last past, and paid taxes within the same, and now actually reside within the ——— ward of this city, and have not been before polled at this election."

Or, " I ———, do solemnly swear and declare (or affirm as the case may be) that I am a citizen of the United States, and of the age of twenty-one years, and have resided within this city for six months last past, and that I am possessed of a freehold, within the said city, and now actually reside within the ——— ward of this city, and have not been before polled at this election."

Or, " I ———, do solemnly swear and declare (or affirm as the case may be) that I am a citizen of the United States, of the age of twenty-one years, and have resided within this city for six months last past, and have rented a tenement, of the yearly value of five dollars, for the term of one year, within the same city, next immediately preceding this election, and now actually reside within the ward of this city, and have not been before polled at this election."

Penalty for false swearing.

And upon taking such oath, he shall forthwith be permitted to vote; and if any person shall knowingly swear falsely in the premises, he shall be deemed guilty of wilful and corrupt perjury, and punished accordingly, before any court having cognizance thereof.

Supervisors how to be elected.

VII. *And be it further enacted*, That at the election so to be holden as aforesaid, in each of the wards of said city, on the second Tuesday of May, in each year, the said inspectors shall receive from the persons qualified to vote at such election, votes for one person to be a supervisor of said city, who shall be an inhabitant of said city, which votes shall be canvassed, estimated and certified, in manner

aforesaid; and the person who shall receive the greatest number of votes in the aggregate, in all the wards of said city, for supervisor, shall be supervisor thereof; and the several officers so elected, shall continue in office for one year, and until others are elected in their stead.

VIII. *And be it further enacted*, That if there shall happen any vacancies in the officers so chosen, by death, resignation or otherwise, before an annual election shall be held, it shall be lawful for the common council of said city, to direct an election to be held, to supply such vacancy; which election shall be held at such time and place, as the said common council shall direct; and in all respects conducted in the same manner as the said annual election; and the officers thus chosen shall hold their offices until their next annual election.

Vacancies how to be filled.

IX. *And be it further enacted*, That if any freeman or inhabitant of the said city, shall be elected as aforesaid, to the office of alderman, assistant, supervisor, assessor, collector or constable of the said city, and having notice thereof, shall, for the space of five days after such notice, refuse or neglect to take upon himself such office, it shall be lawful for the mayor or recorder, and any two, or more of the aldermen or assistants of the said city, in common council, to impose on every person so neglecting or refusing, such reasonable fine as they shall think fit, not exceeding twenty-five dollars; and every such fine shall be levied by distress and sale of the goods and chattels of the delinquent, by warrant, signed by the mayor, and under the seal of the said city, together with the costs and charges of such distress and sale, rendering the overplus, if any, to the owner; or may be recovered by action of debt, in any court within the said city, having cognizance thereof; and shall be recovered and received by the said mayor, recorder, aldermen and commonalty, for the use of the said city.

Penalty for refusing or neglecting to serve when elected to office.

X. *And be it further enacted*, That the mayor, recorder, aldermen and assistants of said city, shall be called and constitute the common council of said city; and the said common council shall be summoned and held at such times and places in said city as the mayor, or in his absence or sickness, the recorder of said city, shall appoint, and the mayor, or in his absence the recorder shall preside at any of the meetings of the common council; and if both be absent, one of the aldermen may be appointed, by the members present, as chairman *pro hac vice*: And the said common council shall annually meet at some place in said city, on the third Tuesday of May, in each year, for ever, and by plurality of votes appoint one clerk, one chamberlain, one or more collectors and overseers of the poor, or poor masters, and one or more pound masters and fence viewers, porters, carriers, cartmen, packers, beadles, bellmen, common criers, scavengers, measurers, surveyors and gaugers, as they shall think proper; and the overseers of the poor, fence viewers and pound masters, so appointed, shall severally possess the powers of overseers of the poor, pound masters and fence viewers, of any town in this state, subject to any regulations concerning them to be made by the common council in their discretion: *And further*, it shall be lawful for the said common council to select from the aldermen and justices of the peace, in the said city, such and so many as they shall think proper, to be

Common council and their powers

Chamberlain, &c. to be appointed.

Board of magistrates.

called the board of magistrates, for the relief and support of the poor, who shall, in such case, exclusively possess the power and authority of applying and distributing the funds for the relief and support of the poor in said city, in such manner as the common council may direct; and of making all orders in relation to the poor of said city: *And*

Alms-house further, it shall be lawful for the common council, whenever they shall think proper, to erect and establish an alms-house, in said city, and to yearly determine the sum necessary to be raised, by tax, for the support and maintenance of the poor of said city, for the ensuing year; and the building and establishing such alms-house, whenever they shall think proper to build and establish the same, and the supervisors of the county of Rensselaer, being served with a copy of the resolution of said common council, and directing such sum, shall cause the same to be raised, assessed and collected according to law: And such monies when collected by tax, shall be paid to the chamberlain of said city, and shall be drawn for and applied under the direction of the common council: *And further*, it shall be lawful for said common council to pass ordinances for regulating the alms-house, and the officers thereof, within the said city, and to appoint, during pleasure, all such officers as they may deem necessary for the good government of the said alms-house, and the poor therein; and that the monies directed by law to be applied to the support of the poor, within the said city, or any part thereof, may be directed by the common council to be applied to the support of the said alms-house and the poor within the same, in such manner as the said common council shall deem proper: *And also*, for establishing a house of correction, for petty offenders within the said city; to appoint, during pleasure, a keeper thereof, and so many assistants as may be necessary; to prescribe the duties of the said keeper and assistants, and the compensation which they shall respectively be entitled to receive for their services from the said mayor, recorder, aldermen and commonalty, and to pass ordinances for regulating the said house of correction, and all other ordinances relative thereto: And whenever the said house of correction shall be erected and established in said city, it shall be lawful for the court of oyer and terminer and general sessions of the peace, in and for the county of Rensselaer, and for any court of special sessions of the peace, held in the said city or county, to sentence and adjudge any offender convicted before either of the said courts, of any petit larceny, assault and battery or misdemeanor, committed within the said city, to the said house of correction, instead of the gaol of the said city and county, there to be imprisoned and kept at hard labor, during the term of his or her imprisonment.

Firemen. XI. *And be it further enacted*, That the present firemen of the village of Troy, shall be and are hereby declared firemen of the said city, subject however to be removed by the said common council in like manner as other firemen of said city.

Permits for selling liquor under 5 gallons. XII. *And be it further enacted*, That it shall be lawful for the mayor, by and with the advice and consent of the common council of said city, to grant permits for retailing spirituous liquors, under five gallons, and for keeping taverns in said city, at the time and under the regulations prescribed in the act, entitled "an act to lay a duty on strong liquors, and for regulating inns and taverns," and take

the recognizances prescribed by the same act; and also exact and receive from the several persons to whom such permits shall be granted, the same excise duties as are allowed and prescribed by the said recked act, to be paid over to the chamberlain of the said city, and applied for the support of the poor of said city, besides a fee of two dollars for every such permit, as a compensation for the services of the said mayor.

XIII. *And be it further enacted*, That it shall and may be lawful Petty grocers, &c. to be regulated. for the mayor, recorder, aldermen and commonalty of said city of Troy, in common council convened, to pass all such ordinances as they shall judge proper, for regulating petty grocers, keepers of ordinaries or victualling houses, or houses where fruit, oysters, clams, liquor or meats shall be sold, in order to be eaten or drank at such houses within the said city, and for exacting a recognizance from every such grocer or other person, or persons as aforesaid, in such a penalty and with such sureties as the common council shall deem reasonable, conditioned that he, she or they shall not permit or suffer any strong or spirituous liquors to be drank in his, her or their shop, house, out-house, yard or garden, nor suffer any kind of gaming within the same, nor sell any sort of strong or spirituous liquors to any apprentice, servant or slave, without a permit from his or her master or mistress; and that no tavern keeper, grocer or other person as aforesaid, in said city, shall suffer or permit any riot or any riotous or noisy persons to be assembled in his, her or their house, nor permit at any time, any manner of gaming, quarrelling or other disorderly practice or conduct, nor keep any billiard table or other instrument or device used for gaming: And that it shall and may be lawful for the mayor or recorder of said city, in conjunction with any two of the aldermen thereof, to hear and determine, in a summary way, any complaint which may be preferred against any tavern keeper, grocer or other person as aforesaid, for any offence in the premises; and in case they shall judge it proper or necessary to deprive any such tavern keeper, grocer or other person as aforesaid, who shall offend in the premises, of his, her or their licence or permit: *And further*, That the recognizance which may be required of any person or persons, licensed to retail strong and spirituous liquors, to be drank in his, her or their house, out house, yard or garden, within the said city, in pursuance of the act, entitled "an act to lay a duty on strong liquors, and for regulating inns and taverns," passed the seventh day of April, 1801; and the recognizances of other persons aforesaid, to be taken and entered into as aforesaid, pursuant to the provisions of this act, instead of being entered into and acknowledged to and in the name of the people of the state of New-York, shall be taken in the name of the said mayor, aldermen, recorder and commonalty of said city: And that the said mayor, aldermen, recorder and commonalty, in common council convened, shall and may make such orders, in relation to prosecutions for breaches thereof, as they shall deem proper and necessary to preserve peace, good order, and to promote the welfare of said city.

XIV. *And be it further enacted*, That it shall and may be lawful for the said mayor, by writing, under his hand and seal, to licence such and so many butchers within the said city, as the said common council shall deem necessary and proper, subject to such regulations Butchers may be licensed.

as they may adopt; which licence shall endure until the first Tuesday of May in each year, unless the same shall be revoked by the mayor, recorder, or any two aldermen of said city, by reason of any infraction of the by-laws of the common council, or other malconduct of such butchers in the course of their trade, which shall be enquired of and determined in a summary way.

- Common council constituted commissioners of highways.** **Ordinances may be passed.** **To prevent obstructions in the river, &c.** **To suppress vice and immorality.** **To enforce the due observance of the sabbath.** **To suppress gaming houses.** **To regulate carting of gun powder, &c.** **Deposits for ashes.** **Guaging of casks.** **Hay—Fish—Butter.** **Grain.** **Reg.**
- XV. And be it further enacted,** That the said common council be, and they are hereby constituted and declared commissioners of highways, in and for the said city, and shall and may from time to time, pass such ordinances as they shall deem proper, to regulate, keep in repair, clean and alter the streets, highways, bridges, wharves, docks and slips, in said city; and may appoint one or more suitable person or persons, to see that the same are conformable thereto, who shall take an oath faithfully to perform his or their said trust, to prevent all obstructions in the river, near or opposite to such wharves, docks and slips, and to cause and require the owner or owners of any such wharves, to keep open a sufficient and convenient passage, and allow the inhabitants of said city, and all others, freely to pass and repass across the said wharves, in said passage so to be kept open, and to cause the owner or owners, of any land adjoining the river Hudson, in said city; to erect, raise, repair and straighten any wharf, wherever and whenever the said common council shall judge the public good requires the same to be done: And the said common council shall and may, from time to time, pass ordinances for the more effectual suppression of vice and immorality; for preserving peace and good order; to prevent forestalling and regrating, and for detecting and restraining every kind of fraudulent device and practice within the said city; to enforce the due observance of the sabbath day; to suppress and restrain disorderly and gaming houses, billiard tables and other instruments and devices used for the purpose of gaming; to direct the keeping and returning bills of mortality, and to impose penalties on physicians, sextons and other persons, for any default in the premises; to regulate the keeping, carting, conveying and transporting of gun powder, or other combustible or dangerous materials, and the use of lights and candles in livery or other stables, to remove or prevent the construction of any fire place, hearth, chimney, stove, oven, boiler, kettle, or apparatus used in any house, building, manufactory, or business, which may be dangerous in causing or promoting fires, to direct the safe construction of deposits for ashes, and to appoint one or more officers, at reasonable times, to enter into and examine all dwelling-houses, lots, yards, enclosures and buildings of every descriptiyn, in order to discover whether any of them are in a dangerous state, and to cause such as may be dangerous, to be put in a safe and secure condition; to regulate the guaging of all casks of liquids and liquors, and to appoint one or more suitable persons to superintend and conduct the same; to regulate the place and manner of selling and weighing of hay; of selling pickled and other fish; restrain and punish the forestalling of poultry, butter and eggs; to restrain and regulate the purchase of wheat, corn, and every kind of grain and other articles of country produce, by persons commonly known by the name of runners; to prevent and regulate the running at large of dogs, or to impose a reasonable tax upon the owners or possessors of

such dogs ; to appoint an examiner of weights and measures, and prescribe his duties ; to regulate or prevent the carrying on manufactures dangerous in causing or promoting fires ; to appoint fire-wardens and fire engineers, with such duties and powers as the said common council shall prescribe, and to adopt and establish such measures and regulations, for the prevention or suppressing of fires, as the said common council shall deem expedient ; to compel the owners and occupants of houses and other buildings to have scuttles on the roofs of any such houses and buildings, and stairs and ladders leading to the same ; to regulate the dimensions of chimnies, so as to admit chimney sweeps to sweep and clean the same ; to appoint watchmen, and prescribe their powers and duties ; to authorise any magistrate, constables or other person to stop any person riding or driving immoderately through or in any street of said city, or otherwise to prohibit such offences ; to establish and regulate docks and wharves, and whatever may be necessary in or about the same ; to regulate the measuring and sale of salt and lime, and the weighing of fish and iron, which may be exposed to sale on board of any vessel lying at any of the docks or wharves, for detecting frauds in the sale thereof ; to abate or remove any nuisances in any street or wharf, or on the lot or enclosure of any person or persons ; to regulate the market and markets in said city ; to regulate cartmen and cartage ; to appoint firemen to take the charge and management of the fire engines and apparatus thereunto belonging, under such regulations as they shall deem necessary, and remove the same firemen, and appoint others in their stead, which firemen shall be exempt from serving as constables or jurors, or in the militia, except in case of insurrection, invasion or other imminent danger ; to authorise the mayor, recorder, or any alderman, assistant, or fire warden, to remove and keep away from the vicinity of any fire, all idle and suspicious persons during such fire, and to compel any person or persons to aid in the extinguishment thereof, or in the preservation of property exposed to the danger of such fire ; to require the sheriff and his deputies, the marshal, watch, and constables, to be aiding in the extinguishment of all fires, and in preventing goods from being purloined thereat, and in securing the same, subject to the orders of the mayor, recorder, or any alderman or assistant present at such fire ; to require the inhabitants of said city respectively to provide such and so many fire buckets, and in such manner and time as they shall prescribe, and to regulate the use of them in times of fire ; to regulate and arrange with uniformity such buildings as shall be erected in said city ; to prevent persons from selling fruit and cakes, unless licensed in the manner they shall direct ; to regulate the police of said city ; to direct the paving or flagging of any of the streets of said city ; to regulate the assize and quality of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto ; to prevent the incumbering of the streets, side walks, walls, alleys, and slips, with wheel barrows, carriages, carts, lumber, stone, or any other materials whatsoever ; to restrain the running at large of cattle, horses and swine, and to compel the sweeping of chimnies, and to prevent chimney sweeps, unless licensed as they shall direct, from sweeping or cleaning of chimnies ; to restrain all vagrants, mendicants, street beggars, or persons soliciting alms, or subscriptions for

Weights & measures.

Fire wardens.

Chimnies.

Watchmen.

Docks and wharves.

Markets.

Firemen.

Firebuckets

Fruit, cakes.

Paving and flagging.

Chimney sweeps.

Vagrants.

Wells and
pumps.

Pounds

Riots.

Meat and
vegetables.

Penalties
for violating
by-laws.

Inhabitants
competent
as witnesses.

Taxes may
be raised.

any purpose whatsoever; and all persons from harboring them without giving previous notice thereof to a member of the common council, to light the streets of said city; to preserve the aqueducts in said city; to regulate the pumps and wells in the streets of said city, and to prevent the unnecessary waste of water, which may be needed for the use of the inhabitants of said city; to establish and regulate one or more public pounds in said city; to ascertain, fix, establish and settle the boundaries of all streets, alleys and lots in said city, and to prevent and remove all encroachments into and upon said streets and alleys; to prevent and restrain any riot, rout, noise, disturbance or disorderly assemblages, in any street or place in said city; to regulate the vending of meat and vegetables in said city; and generally to make all such rules, regulations, by-laws and ordinances, for the good government and order of said city, and the trade and commerce thereof, as they may deem expedient, not repugnant to the constitution or laws of this state; and to enforce the observance thereof by inflicting penalties upon any citizen or inhabitant hereof, or other person or persons, for the violation of any by-laws of said common council, not exceeding twenty-five dollars for any one offence, recoverable with costs, in an action of debt, by and in the name of the chamberlain of said city, for the use of the mayor, recorder, aldermen and commonalty of said city, before any justice of the peace, or alderman thereof; in which action the first process may be by warrant, and there shall be no stay of execution, after judgment, upon any pretence whatever, nor shall any exemption be allowed thereupon; and in which action it shall be lawful to declare generally, in debt for such penalty, and give the special matter in evidence; and further it shall be lawful for the said common council to inflict imprisonment upon any person for any offence, not exceeding thirty days, to the house of correction of the said city, whenever the same shall be established and erected therein, there to be kept at hard labor; or to the common gaol of the county of Rensselaer; and it shall be lawful for the magistrate, before whom judgment of imprisonment shall be given, to carry such judgment into effect by a warrant of conviction, under his hand and seal, directed to the keeper of the said house of correction or gaol.

XVI. *And be it further enacted*, That upon the trial of any issue, or upon the taking or making of any inquisition, or upon the judicial investigation of any facts whatever, to which issue, inquest or investigation, the mayor, recorder, aldermen and commonalty of the said city are a party, or in which they are interested, no person shall be deemed an incompetent witness or juror, by reason of his being an inhabitant, freeholder or freeman of the said city: And that if any person shall be sued or impleaded by reason of any thing done by virtue of this act, it shall be lawful for such person to plead the general issue, and give this act and the special matter in evidence at the trial.

XVII. *And be it further enacted*, That the said common council shall and may, from year to year, cause a sum not exceeding the sum of three thousand dollars, to be raised by tax, to defray the expenses of lighting the streets of said city, supporting a night watch therein, and for defraying the expense of any local improvement or purpose in the first, second, third and fourth wards of said city, which may

be necessary to be rated and assessed upon the estates, real and personal, of all and every the freeholders and inhabitants of the same words, in a just and equitable manner, in proportion, as nearly as may be, to the advantages and security which each shall be deemed to acquire thereby, and also a further sum, not exceeding three thousand dollars, to be applied to defray the contingent expenses of said city, to be rated and assessed upon the estates, real and personal, of all and every the freeholders and inhabitants of said city, in the same manner as the taxes of the county of Rensselaer are to be assessed; which money, so to be assessed as aforesaid, shall be collected in the same manner as the taxes of said county are collected, by the collector or collectors of said city, by virtue of a warrant signed by the mayor of said city, under the common seal of said mayor, recorder, aldermen and commonalty, and paid into the hands of the chamberlain of said city, to be subject to the order of the said common council.

XVIII. *And be it further enacted*, That it shall be lawful for either of the magistrates belonging to the said board of magistrates, for the relief and support of the poor, to cause all disorderly persons or paupers, who have no legal settlement in the said city, and all suspicious persons, and all who he may think likely to become chargeable to the said city, and who he may suspect have no legal settlement therein, to be by warrant under his hand and seal brought before him, and by like warrant cause all such persons, who have no legal settlement in said city, to be removed to the place of their last legal settlement, if the same can be by him ascertained, and is in this state; and if the same cannot be by him discovered, or is not in this state, he may then cause them to be removed out of said city to the town or place from whence they last came into said city: And it shall be the duty of every owner of any house or tenement in said city, within six days after any person shall come to reside in any such house or tenement, to give notice thereof to one of the said board of magistrates, in writing, with the name or names of such person, from whence they came, the number of his or her family, occupation or business, as far forth as may be in his power to ascertain; and every such owner of any such house or tenement, who shall neglect to give such notice as aforesaid, within the time aforesaid, shall forfeit and pay for such neglect the sum of twenty-five dollars, to be recovered in the same manner in which penalties under this act are directed to be recovered; and such owner shall further also be liable to pay to said mayor, recorder, aldermen and commonalty, all such monies and expenses as they shall or may be subjected to, for the maintenance and support of such person and persons, his, her or their family, to be recovered in an action of debt, in any court having cognizance thereof, in the name of the chamberlain of the said city.

Duty of the board of magistrates relative to paupers and disorderly persons.

Owners of houses to give notice of their tenants.

XIX. *And be it further enacted*, That it shall be lawful for the said common council, to lay out, make and open any street, alley, road or highway, in any part of said city; and to cause any street, alley, road or highway, already laid out in any part of said city, to be opened or altered whenever and as often as they shall judge that the public good requires the same to be done; and provided such street, alley, road or highway shall not be laid out or altered so as

Streets, alleys & highways may be laid out.

Notice
thereof to
be given.

Proceedings
in case of
disagree-
ment with
the owners
of land.

Provide.

the course of the same, or that any new street should be laid out and opened in said city, and that the land of any person or persons, on which no building is then erected, is necessary to be taken for either of said purposes, the said common council shall have power to alter or lay out and open any such street, and shall give notice of their intention to take such land and appropriate it for such street, to the owners or party interested therein, or to his or their agent or legal representatives, and the said common council shall treat with such person for the same; and if any such person shall refuse to treat for such ground or other real estate, with the appurtenances, or the common council cannot agree with such person for the same, it shall be lawful for the mayor or recorder and any two or more aldermen, by a precept under their hand and seal, to command the marshal of the said city to impanel and return a jury to appear before the mayor's court of the said city, at any term thereafter, not less than three weeks from the day of the said precept, to enquire and assess the damages and recompense due to the owner or owners of such ground, or other real estate, with the appurtenances; at the same time to summon the owner or owners of such ground or other real estate, with the appurtenances, or his or their agent or legal representatives, by written notice, to be left at his, her or their most usual place of abode, to appear before such mayor's court, on the day and at the place in such precept to be specified; upon which venire the said marshal shall summon twenty-four good and lawful men, qualified to be jurors in such court, which jury being first duly sworn faithfully and impartially to enquire into and assess the damages in question, and having viewed the premises (if necessary) shall enquire of and assess such damages and recompense as they shall, under all the circumstances, judge fit to be awarded to the owner or owners of such ground, or other real estate or appurtenances, for their respective losses, according to their several interests and estates therein; and the verdict of such jury, and the judgment of the said mayor's court thereon, and the payment of the sum of money so awarded and adjudged to the owner or owners thereof, or tender or refusal thereof, shall be conclusive and binding against the said owner or owners, his, her or their respective heirs, executors, administrators and assigns, claiming any estate or interest of, in or to the same ground, or other real estate and appurtenances; but the said mayor, recorder, aldermen and commonalty shall not be allowed to take possession, or appropriate any such land, until after the payment of the money so awarded as aforesaid; and in order to provide for the payment thereof, the said mayor, recorder, aldermen and commonalty shall cause the same to be assessed upon the owners or occupants of lots intended to be benefitted by such improvement, and collected in the same manner in which estimates and assessments are directed to be made and collected in and by the nineteenth section of this act; and on the payment of the same money, so awarded as aforesaid, to the person or persons to whom the same shall be awarded as aforesaid, it shall thereupon be lawful for the said mayor, recorder, aldermen and commonalty of said city, to cause the same land to be converted to and used for the purposes aforesaid: *Provided always*, that if such owner or parties shall be unknown to the common council, to cause notice as aforesaid of such intended appropriation, specifying

therein the ground or other real estate or appurtenances to be appropriated, to be published six weeks successively, in the newspaper printed by the printer to the state, and after the expiration of such notice, to cause the damages to be assessed in manner aforesaid, without any other notice; and the marshal, in serving the venire aforesaid, instead of summoning such owner or parties to appear, may serve a notice in writing, of the time and place of return in such venire, on the occupants of the said premises, or if vacant, by affixing the same on some notorious part thereof, at least eight days before such return, which service shall be deemed a sufficient summons; and it shall also be sufficient to state in the venire, that the premises belong to persons unknown: *And provided further*, that the common council may appropriate the premises aforesaid, in case of unknown and non-resident owners or parties, before payment of the sum, or sums assessed; and on such owners or parties, or either of them, applying to the mayor's court of the said city, and on proving the extent of his or their interest in the premises, appropriated to the satisfaction of the said court, such court shall thereupon ascertain and determine the part or portion of the sum assessed to be paid to such owners and parties so applying, respectively, and enter the same in their minutes; a copy of which entry, under the seal of the said court, and certified by the clerk, shall entitle the said owners or parties, respectively, to the sum or sums so ascertained and determined; and in case of non-payment, on demand, with interest, or in cases where the owners or parties shall be known, and named in the venire, the said common council shall refuse or neglect, on demand, to pay the sum or sums assessed, with interest from the time of the judgment rendered upon such assessment, the said parties or either of them, entitled to the same, may sue for and recover the same from the said mayor, recorder, aldermen and commonalty, in an action of debt on *mutuatus*, together with such interest and costs, in any court having cognizance thereof; and the proceedings under the said venire, and antecedent thereto, shall be conclusive evidence against the defendants: *Provided however*, that any person aggrieved by any assessment made under this section of this act, shall have a right to appeal to the supreme court of this state, whose decision upon the same shall be final and conclusive.

XXIV. *And be it further enacted*, That where any known owner or party, residing in the said city, shall be an infant, and any proceedings shall be had under the twenty-third section of this act, it shall be lawful for the mayor's court of the said city, upon application to them by the common council, or by such minor, to appoint a guardian for such infant, taking security from such guardian for the faithful execution of his trust; and every subsequent notice and summons, under the said section, shall be made and served on such guardian instead of such infant; but if such infant reside without the said city, or be unknown, then proceedings shall be had in like manner as against absent or unknown owners, under said twenty-third section, and with like effect.

XXV. *And be it further enacted*, That it shall and may be lawful for the common council of the said city, to give and grant unto the mayor thereof, for the time being, in lieu of all fees and perquisites, such salary per annum, not exceeding the sum of five hundred dollars,

In the case of infants.

Mayor's salary.

Chamberlain and collectors compensation.

as such common council shall direct, payable out of the treasury of the said city, quarter yearly; and thereupon, all sums of money payable to the said mayor for his services, shall be paid into the treasury of the said city for the use thereof; and the chamberlain, clerk and collector of said city shall also be paid out of said treasury, such compensation for their services as the common council shall deem reasonable and proper.

Mayor's court,

XXVI. *And be it further enacted*, That the mayor, recorder and aldermen of said city, or the mayor and recorder of said city, jointly or either of them singly, with or without the presence of any of the aldermen of the same city, shall have power to hold a court of common pleas, in and for said city, called the mayor's court of said city: *Provided*, nothing herein contained shall be construed to preclude any of the aldermen of said city from sitting as a judge of the same court; and in case of the sickness, death or absence of the said mayor and recorder, it shall be lawful for any three of the aldermen of said city to hold the said mayor's court of the said city.

To be held on the first Tuesday of each month.

XXVII. *And be it further enacted*, That the said mayor's court of the city of Troy, shall be held on the first Tuesday of every month, at the court house of the county of Rensselaer, in said city, and the terms thereof may continue to be held two days inclusive; and the terms of the said mayor's court shall be called after the different months of the year in which they are held.

Seal.

XXVIII. *And be it further enacted*, That the said mayor, recorder, aldermen and commonalty of the city of Troy, shall and may devise, and cause to be made, a seal for said mayor's court, which shall be the seal of the same court.

Powers of the court.

XXIX. *And be it further enacted*, That the said mayor's court of the city of Troy, shall be, and they are hereby authorised and empowered to hear, try and determine, according to law, all actions, real, personal and mixed, arising within the said city; and the said court is hereby empowered to grant new trials in all cases where they shall find it necessary and proper, provided that no new trial shall be granted otherwise than for irregularity, unless one of the judges present, and concurring, shall be of the degree of counsellor in law in the supreme court of this state.

Certain officers required to attend the court.

XXX. *And be it further enacted*. That the marshal, constables, and all other subordinate officers, in and for said city, shall attend the said mayor's court as often as shall be requisite, and obey and perform all the duties of the respective offices, as well when required by the said mayor's court or any judge thereof, as otherwise; and the said marshal and other ministerial officers of the said city, shall execute and return all the writs and process of the said court, directed to them respectively, in the same manner as the sheriffs and other officers of any court of record in this state are by law required to do.

Style of writs and process.

XXXI. *And be it further enacted*, That in the records and proceedings of said mayor's court, judges of said court shall be inserted instead of the mayor, recorder and aldermen of said city; and all writs and process issuing out of, or returnable before the judges of the said court, and all writs directed to the same court, shall be directed to the judges of the court of common pleas, called the mayor's court, in and for the city of Troy; and the sum of seventy-

five cents on each suit to be commenced in said court, shall be paid to the recorder of the said city, previous to the first motion made in such suit.

XXXII. *And be it further enacted*, That no meane process, When re-issuing out of said mayor's court, and delivered to the marshal of said city, for services at any time during term, shall be served by the said marshal, unless the same shall be returnable at the next term thereafter, and no process in said court shall be tested and made returnable in the same term.

XXXIII. *And be it further enacted*, That in case said mayor's court shall not be formed and held at the time the same shall be required by law, or at any time to which it shall have been adjourned, it shall be lawful for any judge, or for the clerk thereof, to adjourn the same from day to day, until a court shall be formed, or until next term; but no adjournment of said court, before the end of its term, shall affect or prejudice the teste or return, or service of any writ or process, issued prior to such adjournment: *And further*, That any affidavit which shall be taken before a judge of the supreme court, or before any clerk of any county in this state, shall be of like force and effect in said mayor's court, as if taken before a judge of said mayor's court.

XXXIV. *And be it further enacted*, That it shall be lawful to alledge any diminution, or defect, or variance, or the want of any process or proceedings upon any writ of error, brought upon any judgment had in said mayor's court, and thereupon to proceed, as in like cases upon error brought from the supreme court: *And further*, That it shall be sufficient, in any record of judgment in said mayor's court, to enter the declaration immediately after the *placita* or caption: And if no plea shall be had of the same term, it shall be lawful to enter an *imparlance* down to the time of issue joined, or judgment had; and in cases where issue shall be joined, it shall be unnecessary to continue the same from term to term, but it shall be sufficient to enter general continuance upon the record, in form following, to wit: "And hereupon the process thereof is continued between the parties aforesaid, of the plea aforesaid, in this same court, (until the term when the same issue shall be tried, or some rule or order made concerning such cause, or the trial of any such suit shall be made;)" And the caption or *placita* of any record of judgement or recognizance in said mayor's court, shall be in form following, to wit: "Pleas in the court of common pleas, called the mayor's court, held (at such place where the same shall be actually held) in and for the city of Troy, before the judges of the same court, (on such day as the process against the defendant in such case, shall be returnable and return served:)" And it shall be unnecessary to insert the names of any mayor, recorder or aldermen, in any such records, or in any proceedings entered thereupon, nor the authority by which such court shall be held.

XXXV. *And be it further enacted*, That the mayor's court of the city of Troy, and the judges thereof, shall have, possess and exercise, in the city of Troy, all and equal and singular, the powers, authority and privileges, which are now by law vested in the mayor's court of the city of Albany, and the judges thereof, and which they may now lawfully exercise in that city: *And further*, The recorder.

corider of the said city of Troy, shall be vested with, and may, ex-officio, lawfully exercise and perform all and singular the same powers, authority and services, which are now vested in, and may be exercised and performed by the several recorders of the cities of New-York, Albany and Hudson, by virtue of the eleventh section of the act, entitled "an act concerning the supreme court," passed the twenty-fifth day of February, 1813, and be entitled to the like fees therefor.

Clerk of the court.

XXXVI. And be it further enacted, That the clerk of the county of Rensselaer, shall be ex-officio clerk of the said mayor's court of the city of Troy, and perform the duties, and be entitled to the fees of said office; and that the records and proceedings of the same court shall and may be filed and kept in the office of said clerk of said county; and the gaol of said county shall also be the common gaol and prison of said city; and the sheriff of said county shall be bound to receive into his custody therein, all persons lawfully committed to prison, by virtue of process issued out of the said mayor's court, or from or by any officer or officers of the same city, and be responsible for their safe keeping therein, in the same manner he would have been had the same persons been originally arrested and committed by the sheriff of said county, on process to him duly directed and delivered.

Marshal to give bond.

XXXVII. And be it further enacted, That the marshal of said city of Troy, before he enters upon the execution of the duties of his office, shall give the like bond, with like sureties, for the faithful execution of the duties of his office, as is by law required of sheriffs

The chamberlain, collectors and constables to give bond

of the several counties of this state; and the chamberlain and collector or collectors and constables of said city, before they enter upon the duties of their respective offices, shall severally execute their bonds to the mayor, recorder, aldermen and commonality of the same city, in such sums and with such sureties as the said common council shall approve; conditioned that they shall faithfully execute the duties of their respective offices: And all the judicial and ministerial officers of said city, shall respectively, before they enter upon the execution of their respective offices, take and subscribe, before one of the magistrates of said city, the oaths directed to be taken by judicial and ministerial officers, respectively, in and by the third and ninth sections of an act, entitled "an act concerning oaths," and cause a certificate of the oath, so taken, to be filed in the office of the clerk of said city, within eight days after the taking and subscribing the same.

The mayor, recorder and aldermen to be ex-officio justices of the peace.

XXXVIII. And be it further enacted, That the mayor, recorder and aldermen of the said city, shall severally be ex-officio justices of the peace of said county of Rensselaer, but shall not, by virtue of said office, be authorised to hear and try any civil cause, to the amount of twenty-five dollars or under, except such as are brought to recover a penalty under the by-laws of said city, in which case they may severally act as justices of the peace, in their civil capacity.

Assessment on highways to be paid in money.

XXXIX. And be it further enacted, That the assessment to work on the highways, directed to be made by the commissioners of highways, in and by the act, entitled "an act to regulate highways," shall, in the said city of Troy, be paid in money, instead of work on the

highways, at the rate of sixty-two and an half cents for each day's work assessed; which assessment the commissioners of highways of said city may make out, and the same shall be collected of the several persons assessed, by the collector of said city, by virtue of a warrant to be issued by the common council of said city, under the seal of the same, in the same manner as taxes are by this act directed to be collected and paid to the chamberlain of said city, to be expended in making and keeping in repair the highways, bridges and roads, in said city, in such manner as the same commissioners shall judge most beneficial to the public; which highways, roads and bridges, it is hereby made the duty of said commissioners to make and keep in repair: And that said city of Troy shall, for all the purposes contemplated by the act, entitled "an act to regulate highways," and the act, entitled "an act for the assessment and collection of taxes," and the act, entitled "an act for regulating elections," and the act, entitled "an act for the better establishment of common schools," in all respects, not otherwise provided for and erected by this act, be considered as a town: And the duties required of the ^{Duty of the} clerks of the cities of New-York, Albany, Hudson and Schenectady, respective- ^{city clerk.} ly, by the sixth section of said act, entitled "an act for the assessment and collection of taxes," shall be performed by the clerk of the city of Troy; and also, that the fourth section of the act, entitled "an act concerning costs," shall not extend to any action, by or against the mayor, recorder, aldermen and commonalty of the city of Troy, or chamberlain thereof: *And further*, That at all elections to be held within the said city of Troy, as a town, under and by virtue of the aforesaid act, entitled "an act for regulating elections," the supervisors, assessors and clerk of the said city, for the time being, shall be the inspectors of such elections, and shall as such inspectors conform, in all things, to the directions contained in said last mentioned act.

And whereas, The inhabitants of the village of Troy, as at present established by law, have heretofore authorised the trustees of the said village to raise by tax, money sufficient to erect a school house in said village, of such dimensions to admit, for instruction, all the children of said village, between the age of five and fifteen years: And the said trustees have contracted for the erection of said school-house, to be built on lands owned by said village; Therefore,

XL. Be it further enacted, That the four first wards of the city of Troy, shall be and remain one school district, and shall not be subject to alteration or division by the commissioners of common schools of said city. ^{School district.}

XLI. And be it further enacted, That it shall and may be lawful for the mayor, recorder, aldermen and commonalty of the said city annually, on the third Tuesday of May, to appoint trustees, not exceeding thirteen in number, to manage the concerns of said school; which trustees, before they enter on the execution of their office, shall take and subscribe an oath or affirmation, before the mayor, recorder, or one of the aldermen or justices of said city, faithfully to execute the office of trustees of said school; which oath or affirmation shall be filed in the office of the clerk of the said city, by the person or persons who make the said oath: And in case any person appointed a trustee, shall neglect or refuse to cause the said oath to be ^{School trustees to be appointed.}

And be a
body corpo-
rate for 45
years.

quired by the said act, provided the same be completed by the first day of August, in the year one thousand eight hundred and seventeen; and in case the same shall be so completed by that day, then the said purchaser or purchasers, his or their assigns and associates, shall thereafter be considered as the stockholders of the said company, in proportion to the sums they shall respectively pay and advance towards the said purchase, and the rebuilding of the said bridge and other necessary objects: And they and their successors shall be and continue a body corporate and politic, by the name, and with all the powers, privileges and immunities mentioned in the said act, and in the act to amend the same, for and during the term of forty-five years from the passing of this act, and no longer, any thing in the said acts, or either of them, contained, to the contrary notwithstanding: *Provided always,*

This act not
to prevent
prosecution
against the
former com-
pany.

IV. *And be it further enacted,* That nothing in this act contained, shall be construed to bar or prevent any public prosecution, or any action or actions, which any person or persons would have if this act had not been passed against the said president and directors, or against all or any of the stockholders of the said company, or against any person or persons who is, are or have been in their employ, or to prevent the abating of any nuisance.

CHAP. CXXXIII.

AN ACT relating to the Shinecock tribe of Indians.

Passed April 15, 1816.

Trustees to
be elected.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly,* That it shall be lawful for the male Indians, above the age of twenty-one years, belonging to the Shinecock tribe, in Suffolk county, to meet together on the first Tuesday in April, in every year, at the place for holding town meetings, in the town of Southampton, and by plurality of voices, annually to elect three persons, belonging to the said tribe, as trustees: And it shall be the duty of the clerk of the said town to attend and preside at such meetings of the said Indians, and to enter in a book to be kept by him for that purpose, the names of the trustees to be chosen as aforesaid, and the proceedings of such trustees, and of the said trustees and the justices hereafter mentioned.

Lands to be
divided.

II. *And be it further enacted,* That the said trustees are hereby authorised and empowered, from time to time, to lay out and appropriate such quantity of the lands of the said tribe, to each individual or family of the said tribe, as they shall judge proper and necessary for his or their improvement: *Provided,* That the whole quantity so laid out and appropriated, in any one year, shall not exceed one hundred and twenty-five acres: And the said trustees, by and with the consent of three justices of the peace, residing in or near the town of Southampton, are hereby authorised and empowered, from time to time, to lease out so much of the said lands, as they shall think proper, for the benefit of the said tribe, and for any term not exceeding three years: And also to order and direct on what part of the said lands fire-wood and timber may be cut by the said tribe for their use.

Proviso.

III. *And be it further enacted*, That if any person not of the said tribe shall in any manner hire, use or occupy any of the said lands, which shall be so laid out and appropriated as aforesaid, such person shall forfeit the sum of twenty-five dollars for every acre so hired, used or occupied; and if any person shall occupy or use any of the said lands, without the consent of a majority of the said trustees, and of at least two of the said justices first obtained and entered in the said book, such person shall forfeit the sum of twenty-five dollars for every acre so used or occupied: And if any person belonging to the said tribe, shall cut any wood or timber on the said lands without such order and consent of the said trustees and justices first entered in the said book, such person shall forfeit the sum of ten dollars for each offence; the one half of which penalties shall be to the use of the overseers of the poor of the town of Southampton, and the other half to the use of the party who will sue for the same, by action of debt, in any court having cognizance thereof.

CHAP. CXXXIV.

AN ACT to amend an act, entitled "*an act to establish a Turnpike Corporation for improving and making a road from the Susquehanna river, in the town of Jericho, in Chenango county, to the town of Bath, in the county of Steuben, and to incorporate the Jericho Bridge Company.*"

Passed April 15, 1816.

WHEREAS the president and directors of the Susquehanna and Bath turnpike road company, have presented their petition to this Legislature, stating, that there are upon the route of said road already contemplated no less than five very expensive bridges, some of which, having been erected and used for several years, have already begun to decay; and that the expenses of the said company have already been so great as to exhaust all their funds, and that they are thereby unable either suitably to repair the said bridges, or rebuild them in case of their being destroyed:

And whereas all persons residing within four miles of any gate erected on said turnpike road, are by the said act entirely exempted from the payment of any toll for travelling said road, which exemption is not only very unusual, if not unprecedented, but improper: For remedy whereof,

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That so much of the eighth section of the act hereby amended, as exempts from the payment of toll, all persons residing within four miles of any of the gates erected upon the said turnpike road, be and the same is hereby repealed.

II. *And be it further enacted*, That it shall and may be lawful for the president and directors of the said company to erect a gate upon one end of the turnpike bridge across the Onondaga branch of the Chenango river, in the town of Lisle, in the county of Broome, and also to erect a gate upon one end of the turnpike bridge across the eastern branch of the Chenango river, in the town of Greene, in the county of Chenango, and to appoint toll gatherers at said gates

to collect and receive from all persons crossing the said bridges respectively, the same rates of toll, with the addition of two cents from every foot passenger, as the toll gatherers are authorised to receive and collect at any of the gates or turnpikes upon said road, and no more: *And further*, that the toll gatherers appointed to the said gates, shall have the same powers and privileges, and be subject to the same duties, which are given and directed to toll gatherers in and by the act hereby amended.

Tolls.

III. *And be it further enacted*, That all the exemptions from the payment of toll at any of the gates erected on said turnpike road, (except the exemption specified in the first section of this act) be and the same is hereby extended to the gates erected on the said bridges by this act authorised to be erected.

CHAP. CXXXV.

AN ACT to prevent the destruction of Fish, in the towns of Claverack, Taghkanick and Ancram, in the county of Columbia.

Passed April 15, 1816.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That it shall not be lawful for any person or persons, at any time or in any manner, before the first day of May, which will be in the year one thousand eight hundred and eighteen, to take any fish in any of the ponds or lakes situate in the towns of Claverack, Taghkanick or Ancram, in the county of Columbia, into which any pike or pickerel have been put or placed by any person or persons; nor shall it be lawful at any time within three years from the passing of this act, to take any fish of any kind, in any of the waters situate in the towns of Claverack, Taghkanick or Ancram, by means of seines, nets or spears, nor at any time thereafter by means of seines or nets.

II. *And be it further enacted*, That if any person or persons shall fish contrary to the provision of the preceding section, he shall forfeit the sum of five dollars for each and every offence, to be sued for and recovered by any person who will prosecute for the same, in an action of debt, in his own name, with costs of suit, in any court within this state having cognizance thereof.

CHAP. CXXXVI.

AN ACT for the relief of the Settlers on the west Cayuga reservation, in the county of Seneca.

Passed April 15, 1816.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for, and the comptroller of this state is hereby required to extend the term of credit on the bonds and mortgages due to the people of this state, on that part of the lands in the west Cayuga reservation

situate in the county of Seneca, for the term of four years from the passage of this act: *Provided however*, that the several owners of the lands so mortgaged, shall, within one year from the passing of this act, pay into the treasury of this state all the interest which shall then be actually due on the said mortgages respectively, and shall also satisfy the comptroller, that the extension of credit will not endanger the ultimate payment of the money secured by the mortgage on the property by them severally owned.

CHAP. CXXXVII.

AN ACT *for the relief of Peter Lawrence.*

Passed April 15, 1816.

WHEREAS Zalmon B. Lawrence, of the town of Marcellus, in the county of Onondaga, was appointed a collector of taxes for said town, at their last annual town meeting, and Peter Lawrence became the bail and surety of the said collector: *And whereas* the said Zalmon having collected a considerable part of said tax, has absconded, and left the said Peter liable to pay the whole amount thereof, and without any power or authority, by existing laws, to collect that part of said tax which the said collector left uncollected: For the remedy whereof,

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for the said Peter Lawrence, and he is hereby authorised to proceed and collect what remains uncollected on the rate bill or tax list of the said Zalmon B. Lawrence, and to make returns of the amount falling on non-resident lands, in the same manner as the said Zalmon, as collector aforesaid, might or would have done.

II. *And be it further enacted*, That any person taxed in the said rate bill or tax list, and not having a receipt nor credit on the said rate bill or tax list, and claiming to have paid the same to the said Zalmon, shall, on making an affidavit of such payment, and presenting said affidavit to the said Peter, be exonerated from the payment thereof.

CHAP. CXXXVIII.

AN ACT *for the relief of the Creditors of William Pattison, deceased.*

Passed April 15, 1816.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for Joseph Swan and Morehouse Hicock, executors of the last will and testament of William Pattison, late of the town and county of Onondaga, deceased, (who was an alien) to sell all that part of lot number seventy-two, in the late Onondaga reservation, in the town and county of Onondaga, whereof the said William died seized or

possessed; and to apply the proceeds of such sale towards the payment of the debts of the said William, deceased, and on such sale to make and execute to the purchaser or purchasers, good and sufficient conveyance or conveyances for the same, (subject nevertheless to a certain mortgage of the said premises, executed by the said William to the people of the state of New-York, for securing the payment of a part of the original purchase money for the said land) and that such purchaser or purchasers, their heirs and assigns, may have, hold and enjoy the said premises, free from any claim of the people of the state of New-York to the same, by reason of the alienism of the said William, deceased: *Provided*, that before such sale be perfected, the said executors shall give security, to be approved by the comptroller, that they will account with him, and pay over all money remaining in their hands after paying the debts and charges on the estate of the said William Pattison, into the treasury of this state, for the use of the people thereof.

CHAP. CXXXIX.

AN ACT to authorise Nathaniel Sisson and Zebediah Sisson to erect a dam across the Limestone Creek, in the town of Manlius.

Passed April 15, 1816.

I. BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for Nathaniel Sisson and Zebediah Sisson, both of the town of Manlius, in the county of Onondaga, to erect a dam across Limestone creek, about one mile and an half north of the village called Manlius Square, where the said Nathaniel Sisson and Zebediah Sisson have commenced the building of a dam, for the purpose of supplying mills or other water works with water; and it shall be the duty of the said Nathaniel Sisson and Zebediah Sisson, and their heirs and assigns, to cause to be made in said dam a lock or canal, to permit the passage of boats with ease, not less than twelve feet in width, so soon as said creek shall be cleared and become navigable for boats or other water craft, free of expense; and also keep the said lock or canal in good repair as long as the said dam shall exist, or impede the passage of boats: And if the said Nathaniel Sisson and Zebediah Sisson, their heirs or assigns, unreasonably delay or hinder any person or persons with boats from passing such lock or canal, they shall for every such offence forfeit and pay two dollars for every hour's delay or detention, to be recovered, with costs, to the use of the person so delayed or hindered, before any justice of the peace in the said county of Onondaga.

II. And be it further enacted, That if the said Nathaniel Sisson and Zebediah Sisson, their heirs and assigns, shall at any time while said dam shall exist, or after said lock or canal shall be finished, suffer the said lock or canal to be out of repair seven days in succession, so as to prevent boats or other water craft from passing, then and in such case this act shall cease and become void, and all rights granted to the said Nathaniel Sisson and Zebediah Sisson shall cease and be revoked.

III. *And be it further enacted*, That it shall be the duty of the judges of the court of common pleas of the county of Onondaga, or any three of them, not interested in said dam, to examine and decide when the said creek shall become cleared and navigable for boats; and their certificate of the fact, filed in the clerk's office of the said county of Onondaga, shall be conclusive evidence of the same: And the said Nathaniel Sisson and Zebediah Sisson, their heirs and assigns shall, within two months after such certificate shall be filed, and notice thereof to them given, erect, make and complete the said lock or canal in manner aforesaid, on pain of forfeiting all the rights granted to them by this act.

IV. *And be it further enacted*, That if the erection of said dam shall be found productive of damages to the public or individuals, by the overflowing of their lands lying in its vicinity, the authority to the said Nathaniel Sisson and Zebediah Sisson, their heirs and assigns, shall and may, on proof of said damages, be revoked by the court of common pleas of the county of Onondaga.

CHAP. CXL.

AN ACT to prevent obstructions in a stream of water therein mentioned.

Passed April 15, 1816.

WHEREAS sundry inhabitants of the town of Reading, in the county of Steuben, have by their petition to the Legislature represented, that several mills have been erected on a creek emptying into the Seneca lake, which creek is known by the name of the Big Stream; and that the interest of the public requires, that the said creek should be kept clear of obstructions, and the said petitioners have prayed that a law might be passed for that purpose: Therefore,

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That if any person or persons shall, after the first day of June next, throw, cut or fell any wood or timber into the waters of said creek, within the town aforesaid, and shall not remove the same within twenty-four hours after having so thrown, cut or felled the same into the waters of said creek as aforesaid, he or they shall forfeit for every such offence, the sum of five dollars, to be recovered with costs of suit, by any person who shall sue for the same, and to be applied to and for his own use, when recovered: *Provided nevertheless*, that nothing in this act contained shall be construed to affect the right of any proprietor or proprietors of any mill or dam, now erected or hereafter to be erected, from cutting timber to build or repair any such mill or dam on said creek: *And provided also*, that nothing in this act contained shall be construed to affect the right of any owner or occupant of lands lying on both sides of said creek, from fencing across the said creek, in such manner as not to obstruct the waters thereof.

II. *And be it further enacted*, That if the owner or owners of any land lying on the said creek, shall neglect, for the space of four months from and after the passing of this act, to remove any obstructions which now exist in the said stream, (except in those which are

excepted in the preceding section) it shall and may be lawful for any person or persons, immediately thereafter, to remove or cause to be removed such obstruction from and out of said stream, doing to the adjoining lands as little damage as possible.

CHAP. CXLI.

AN ACT to amend the act, entitled "*an act to improve the roads therein mentioned.*"

Passed April 15, 1816.

WHEREAS the board of supervisors of the county of Lewis did not comply with the requisitions of the act, entitled "*an act to improve the roads therein mentioned,*" passed April 18th, 1815, relative to that part of the road from Rome to Turin lying in the county of Lewis: Therefore,

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly,* That the assessor named in said act shall revise and alter the assessment by him heretofore made, of which a copy was filed with the said board of supervisors, and shall so alter the same as not to include any lands possessed by any of the inhabitants living on the state road leading from Johnstown to Brownville, in the towns of Turin and Leyden, and the inhabitants living on the road leading by Jonathan Collins's, who live in the towns of Turin and Leyden, southerly from where the said road from Rome to Turin intersects the same; and the said assessor shall deposit the said assessment with the commissioners appointed by the sixth section of said act; and that thereupon it shall be the duty of the said commissioners to give sixty days notice, in the newspaper printed in Utica, that the said assessment is deposited with them, and to receive from all or any of the persons therein named, the amount of the taxes on them imposed, at any time within sixty days after the time of the expiration of such notice; and that it shall thereafter be the duty of the said commissioners to make a return on said assessment to the comptroller, stating particularly which taxes are paid, and which remain unpaid: And thereupon the comptroller shall draw his warrant upon the treasurer, in favor of the said commissioners, for the amount so returned as remaining unpaid, and thereupon the said taxes shall remain and be chargeable, and the like proceedings shall be thereupon had by the comptroller, as if the same had been returned as unpaid taxes on non-resident lands in the said county.

II. *And be it further enacted,* That the commissioners in said act named, shall pay to the respective assessors therein appointed, the compensation to which they may be entitled for performing the duties required of them by this act, and the act hereby amended, out of the monies which come into their hands.]

CHAP. CXLII.

AN ACT for the relief of the Heirs of *Johannis Lawyer, junior*;

Passed April 15, 1816.

WHEREAS it is represented that a certain piece or parcel of land, known as lot number nine, in a patent granted to *Johannis Lawyer, junior*, and others, in the year of our Lord one thousand seven hundred and twenty-five, in the (now) county of Montgomery, and that a patent was subsequently issued to *Jacob Lansing, junior*, and others, to wit, in the year of our Lord one thousand seven hundred and fifty-three, for six thousand acres, which included within its exterior bounds the principal part of the lands included in the patent to the said *Johannis Lawyer, junior*, and others, of one thousand seven hundred and twenty-five : That the said tract (called in the patent of the said *Jacob Lansing, junior*, lot number fourteen) became forfeited by the attainder and conviction of one *James Delancey*, and that the same has been conveyed by the commissioners of forfeitures for the western district : That the petitioners are debarred from recovering their just right to the said lot number nine, by the operation of the act, entitled "an act limiting the period of bringing claims against forfeited estates," passed the 28th of March, 1797 ; and that the state has received into the treasury the original purchase money for the said lot number nine, and that the original patentee and his heirs have lost their interest therein by a subsequent grant of the said lot to the said *Jacob Lansing, junior*, and others, and the operation of the said act of limitation : Therefore,

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the treasurer shall pay on the warrant of the comptroller, to the heirs of *Johannis Lawyer, junior*, their heirs or assigns, the amount paid into the treasury of this state, for lot number nine, patented to *Johannis Lawyer, junior*, and others, in the year of our Lord one thousand seven hundred and twenty-five, together with the interest thereon at six per cent. from the thirty-first day of May, in the year of our Lord one thousand seven hundred and ninety : *Provided*, the said heirs or their assignees shall, on or before the first day of September next, produce to the comptroller a certificate signed by the attorney general, stating that the said lot number nine was regularly patented to the said *Johannis Lawyer, junior*, and others, and that a recovery upon said patent is barred or prevented by a subsequent grant of the same land, and the operation of the act, entitled "an act limiting the period of bringing claims against forfeited estates," passed the 28th of March, 1797 ; and that the persons applying for the said payment, are the same persons to whom the said land would belong if their title thereto were not barred by the said last mentioned act, and said sale by the commissioner or commissioners of forfeitures, which certificate the comptroller shall cause to be filed in the office of the secretary of state.

CHAP. CXLIII.

AN ACT for draining swamps and other low lands, not exceeding one hundred acres in quantity.

Passed April 15, 1816.

I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That any person or persons owning or possessing any swamp, bog, meadow, or other low land, not exceeding one hundred acres in quantity, lying in any county within this state, the county of Orange excepted, may, in case the owner or owners of the adjoining land through which it shall be necessary to open a ditch or ditches, in order to drain such swamp, bog, meadow or other low land, shall refuse to have said ditch or ditches opened through his, her or their land, apply to any justice of the peace residing in or near the town where the said lands lie, whose duty it shall be to issue a summons, directed to any constable of the said town, requiring him to summon twelve reputable freeholders of said town, who shall neither be interested in the said lands, or any of them, or in any wise of kin to either of the said owners or possessors thereof, to be and appear on the said premises at a certain time therein to be specified.

II. And be it further enacted, That the said justice shall attend at the time and place specified in the said summons, and shall duly swear or affirm the said jury; and the person or persons applying to have such ditch or ditches opened as aforesaid, shall deliver to the said jury a map of the land through which the said ditch or ditches is or are to be opened, on which map, the place, length, width and depth of the said ditch or ditches shall be particularly pointed out and designated; and the said jury shall assess such damages as they shall adjudge reasonable, taking all the circumstances of the said premises into consideration; or in case they shall be of opinion, that it will be as beneficial as detrimental to said lands, to have said ditch or ditches opened through the same, they shall not assess any damages, but shall certify the fact to the said justice under their hands, and in like manner if they shall assess damages, they shall certify the amount thereof to the said justice.

III. And be it further enacted, That in case the said jury shall not assess any damages, or in case damages shall be assessed by them, then upon the payment thereof to the owner or owners of said land, through which said ditch or ditches is or are to be opened, it shall and may be lawful (in either case as it may happen) for the said applicant or applicants to enter with his, her or their servants upon the said lands, and then and there to cut and open such ditch or ditches as were pointed out and designated on said map, not deviating materially from the dimensions specified in said map.

IV. And be it further enacted, That the said ditch or ditches being cut and opened as aforesaid, it shall and may be lawful for the said applicant or applicants, his, her or their heirs or assigns forever thereafter, from time to time, as it shall and may become necessary, to enter upon the said lands for the purpose of clearing out and scouring the said ditch or ditches aforesaid, and the same

Proceedings
in order to
make drains

Map of the
ditches to be
produced.

Damages to
be assessed.

Lands may
be entered
on.

Ditches how
to be kept
clear.

then and there to clear out and scour, in such manner as to preserve the original length, depth and width of the said ditch or ditches.

V. *And be it further enacted*, That if after opening the said ditch or ditches as aforesaid, any person or persons shall dam up, obstruct, or in any other way injure the said ditch or ditches, such person or persons so offending in the premises, shall be liable to pay to the said person or persons owning or possessing the said swamp, bog, meadow or other low land, double damages, and in case of a second offence, treble damages, to be recovered in any court having cognizance thereof, with costs of suit.

Penalty for
obstructing
or injuring
the ditches.

VI. *And be it further enacted*, That the said justice shall cause the said map, together with the inquisition taken by the said jury, (which the said justice shall certify to have been taken before him in pursuance of this act) to be filed in the clerk's office of said town wherein said lands shall lie, to be kept in said office as a record of the proceedings between the said parties; and the said justice shall be entitled to receive, for the services by him to be performed under this act, the sum of one dollar and fifty cents; the said constable, the sum of one dollar for summoning the jury and attending with them on the premises; each juror, twenty-five cents, to be paid by the person or persons applying for said summons.

Map, &c. to
be filed.

CHAP. CXLIV.

AN ACT supplementary to the "act making provision for draining a certain tract of swamp land and bog meadow, in the towns of Stanford and Northeast, in the county of Dutchess," passed February 28, 1804.

Passed April 15, 1816.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That the aforesaid act and every article and clause thereof (except the ninth section hereafter mentioned) shall be and is hereby revived and continued in full force; and that it shall be lawful for the proprietors of the said tract of swamp land and bog meadow, on the first Tuesday of May next, to meet at the house of James Husted, in the said town of Stanford, and then and there to elect commissioners for the purpose and in the manner directed by the said act; and that all future annual meetings shall be at such places in the towns aforesaid, as shall have been adjourned to or agreed upon by a majority of the said proprietors.

II. *And be it further enacted*, That it shall be lawful for the said proprietors, for the year ensuing, to raise and collect, in the manner and for the purposes directed by the act aforesaid, a sum of money, not exceeding twenty-five cents per acre of said swamp land and bog meadow, and thereafter an annual sum of ten cents per acre.

III. *And be it further enacted*, That the ninth section of the act aforesaid shall be and is hereby repealed.

CHAP. CXLV.

AN ACT *authorising the Comptroller to loan Money to Jephtha A. Wilkinson.*

Passed April 15, 1816.

WHEREAS the said Jephtha A. Wilkinson is the inventor and manufacturer of steel reeds, and is unable, for want of funds, to extend their usefulness to community : Therefore,

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall be the duty of the comptroller to loan to the said Jephtha A. Wilkinson a sum, not exceeding three thousand five hundred dollars, out of any unappropriated monies belonging to the common school fund ; and that the comptroller be authorised to draw his warrant on the treasurer for the same : *Provided,* the said Jephtha A. Wilkinson shall produce security on real property, to the satisfaction of the comptroller, in double the sum loaned, for the payment of the same, with interest annually, at the rate of seven per cent. per annum, within five years from the date thereof.

CHAP. CXLVI.

AN ACT *to amend an act, entitled "an act to lay out a road in the counties of Ontario, Seneca, Cayuga and Onondaga," passed the 26th day of March, 1813.*

Passed April 15, 1816.

WHEREAS it is represented to the Legislature, that that part of the road laid out by commissioners, appointed by an act passed the 26th day of March, 1813, entitled "an act appointing commissioners to lay out the roads therein mentioned within the counties of Ontario, Seneca, Cayuga and Onondaga," which runs from the bridge on the Canandaigua outlet near the house of Henry Creager, in the town of Galen, to Sodus bay, does not run in the most eligible route, and that the country will admit of a nearer and better road.

I. BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That Nathan Whitney, of Ontario, Jacob L. Larzelere, of Seneca, and Hezekiah Goodwin, of Cayuga, be and they are hereby appointed commissioners, to lay out a road from the bridge on the Canandaigua outlet, near the house of Henry Creager, on the nearest and most eligible route to Great Sodus bay, where vessels that navigate Lake Ontario can conveniently come ; and that it shall be the duty of the said commissioners to cause the survey and map of the same to be lodged with the clerks of the several counties through which the said road shall be laid ; and also with the town clerks of the several towns through which the said road shall be laid, surveys and maps of such parts as lie within their respective towns ; and that the said road, when so laid out, shall, together with that part of said road which runs from the sixty-one mile post at the north end of Seneca lake, in the line between the

counties of Ontario and Seneca, to the said bridge on the Canandaigua outlet, be deemed and considered as a public highway, and shall be put into districts, as soon as may be, by the commissioners of highways in the said towns respectively, for the purpose of opening and keeping the same in repair.

II. *And be it further enacted*, That each of the said commissioners shall be allowed for his services aforesaid, two dollars a day for each and every day he shall be employed in the same; and it shall be the duty of the respective boards of supervisors of the several counties through which the said road shall be laid out, to make provision for such compensation as soon as may be after the performance of the service hereby required.

CHAP. CXLVII.

AN ACT to amend an act, entitled "*an act for establishing a Turnpike Corporation, for improving and making a road from Burlington, in the county of Otsego, to the Cayuga Lake, and to intersect the Jericho and Bath Turnpike.*"

Passed April 15, 1816.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the time limited in and by an act, entitled "*an act for establishing a turnpike corporation, for improving and making a road from Burlington, in the county of Otsego, to the Cayuga lake, and to intersect the Jericho and Bath turnpike,*" for the completion of the said road, shall be and is hereby extended to the first day of December, in the year one thousand eight hundred and twenty-one; and that so much of the said act as authorizes the company thereby incorporated, to make a branch from Port-Watson, to lot number sixty-four, in the town of Scipio, in the county of Cayuga, and from thence to the Cayuga bridge; and also another branch from lot number sixty-four, in the town of Scipio, to the village of Aurora, be and the same is hereby repealed.

CHAP. CXLVIII.

AN ACT to vest the title to certain lands in the Trustees of St. Lawrence Academy.

Passed April 15, 1816.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the commissioners of the land-office shall cause letters patent to be made out for a certain lot of land, situate in the town of Potsdam, in the county of St. Lawrence, intended for the support and encouragement of literature, and designated on the map of the said town, in the surveyor-general's office, as lot number fifty-six, and which said lot, on a map or survey of said town, made for the proprietors of the greatest part thereof, is designated as lot number thirty-six, granting the same in fee simple to the trustees of St. Lawrence academy, and their successors in office:

Provided always, it shall not be lawful for the trustees or their successors in office, to sell or convey or enter into any contract or contracts for the sale or conveyance of all or any part of the said lot, or to lease all or any part of the same, for a longer term than during the continuance of three lives, or for the period of thirty-one years: *Provided*, That the avails of the rents of the said lands shall be appropriated for the payment of the wages of the tutors in the said academy, and for no other purpose.

CHAP. CXLIX.

AN ACT *for the relief of certain Religious Societies, in the town of Southampton, and for other purposes.*

Passed April 15, 1816.

WHEREAS it appears that there is about one thousand dollars in the hands of Zebulon Jessup, wreck master, in the town of Southampton, which, by the exertion of the inhabitants of the said town, was saved from the wreck of the British sloop of war Sylph, stranded on the south beach of the said town, a little previous to the termination of the late war: *And whereas*, the several religious societies in the town of Southampton, have represented their inability for the support of the gospel and repairs of their houses of public worship, and pray a grant of the avails of the said wreck for that purpose: *And whereas*, Abraham Mulford, of the town of Southold, hath made it appear that he hath suffered considerable damages by the said sloop of war, and for which he prays relief from the said avails:

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That Hugh Gelston, Samuel H. Rose, Henry Rhodes, Thomas P. Ripley and Abraham Post, are hereby authorised and appointed to examine and audit the accounts of Zebulon Jessup, wreck master, in the town of Southampton, as relates to the money which may be in his hands, saved from the wreck of the British sloop of war Sylph; and of the said avails to pay unto Abraham Mulford, of the town of Southold, three hundred dollars; and the residue thereof to make an equal distribution to the trustees of the several religious societies in the said town of Southampton, as nearly as may be, in proportion to the population of the same respectively.

CHAP. CL.

AN ACT *to amend "an act for opening and improving a road from the town of Turin, to township number fifteen, in M'Comb's purchase, commonly called Emily-Ville," passed April 15, 1814.*

Passed April 15, 1816.

I. Be it enacted by the people of the State of New-York, represented in Senate and Assembly, That all monies which may be paid into the treasury, yearly and every year, for the space of three

years after the passing of the above recited act, which may be assessed for taxes on unsettled lands in that part of the town of Leyden, in Lewis county, lying east of the Black river, and which may be assessed and levied for the support of roads, in the town of Leyden, shall be and are hereby appropriated for opening and improving the above recited road; and the treasurer of the said county shall pay to the commissioners appointed by the aforesaid act, the said monies as soon as the same shall come into his hands.

II. *And be it further enacted*, That the eighth section of the above recited act be and the same is hereby repealed.

CHAP. GLI.

AN ACT for the relief of John Cornelis, otherwise called John Saguconta.

Passed April 15, 1816.

WHEREAS, at a treaty held at the city of Albany, on the twenty-first day of February, one thousand eight hundred and nine, with the chiefs or sachems of the pagan party of the Oneida Indians, there was given and reserved for John Cornelis, otherwise called John Saguconta, an Oneida Indian, fifty acres of land, to be laid off on the westerly side of the Scoonondo creek, in the town of Vernon, where the said John now resides; Therefore,

I. *Be it enacted by the people of the State of New-York, represented in Senate and Assembly*, That the said fifty acres of land be and the same are hereby confirmed to the said John Cornelis, his heirs and assigns for ever. Title confirmed.

II. *And be it further enacted*, That it shall and may be lawful for the said John Cornelis, and his heirs, to grant, bargain, sell and convey, in fee simple, to any person or persons, being a citizen or citizens of this state, the whole or any part of the said land, so reserved and confirmed to the said John as aforesaid: *Provided however*, That no such grant, bargain, sale or conveyance shall be valid, unless the same be executed by and with the approbation of the district attorney, for the time being, of the district in which such lands are or shall be situated, who being satisfied of the fairness of the sale, shall give to the purchaser or purchasers a certificate to that effect. Land may be sold. Provide.

III. *And be it further enacted*, That on the sale of said premises, the security to be taken, shall include, at least, three-fourths of the whole amount of the purchase money; which security shall be lodged, by the said district attorney, with the comptroller of this state: And if the money so secured, shall not be paid as it falls due, it shall be collected in the same manner as money due, in like cases, to the people of this state. Security may be taken.

IV. *And be it further enacted*, That the purchase money for said land collected by the comptroller of this state, shall be paid into the treasury of this state, for the benefit of the said John, and the interest on such money shall be paid to him annually, at the time and place of paying the annuity to the Oneida nation of Indians, whenever the said John shall have any money in the treasury for that purpose. Money how to be disposed of.

purpose: And if his necessities shall at any time require more than the interest of said money, upon producing an order from the attorney of the Oneida nation of Indians, the comptroller shall grant his warrant upon the treasurer for such sum as shall be mentioned in said order; and the treasurer shall pay the same out of any monies of the said John, that may be in treasury.

V. *And be it further enacted*, That after the decease of the said John, the residue of the said money, if any remain, shall be divided among the heirs of the said John, unless the same shall be otherwise appropriated by the legislature, for the use of the said heirs.

CHAP. CLII.

AN ACT for opening and improving a road from Boonville, to the road leading from the city of Albany to the St. Lawrence.

Passed April 15, 1816.

Preamble.

WHEREAS Thomas S. Ogden, John Brown Francis and others, owners of lands through which the road herein after mentioned is to pass, and which will be affected thereby, have by their petition represented to the legislature, that a road being opened from the northerly part of Boonville, running southeasterly until it intersects the road from the city of Albany to the river St. Lawrence, would be useful to the public, and beneficial to the owners of the land through which the same should pass, and have prayed that an act may be passed, for the purposes, and with the provisions herein after contained; Therefore,

Commissioners.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That John Brown Francis, Stephen Smith, 2d, and John G. Post, be and they are hereby appointed commissioners for exploring and marking out a route for a road, from the northerly part of the town of Boonville, to intersect the road leading from the city of Albany to the St. Lawrence, in or near township number forty-one, of Totten and Crossfield's purchase, in such place as they shall judge to be most eligible and advantageous for a road.

Money to be raised for making the road.

II. *And be it further enacted*, That there shall be assessed, paid and collected, for the purpose of opening and making said road, viz: on every acre of land, lying within one mile of said road, a sum not exceeding six cents nor less than three cents; and on every acre of land lying within two miles of said road and more than one mile, a sum not exceeding three cents, nor less than one cent, except the lands belonging to the people of this state; the assessment to be proportioned to the value of the lands so assessed.

Duty of the commissioners.

III. *And be it further enacted*, That the commissioners shall have power to open and make the said road in such direction as they shall think most advisable for the public good; and also to make the assessment on the lands herein made subject to this tax as aforesaid: And the said commissioners are hereby required, as soon as may be after the route for the said road shall be fixed upon and marked by them, to examine and make a fair assessment on the lands herein made subject to this tax as aforesaid; which assessment shall be in writing,

Assessments

and shall ascertain and describe the parcels of land so assessed, as accurately as may be; and the same shall be filed in the comptroller's office, whose duty it shall be to give notice in some newspaper printed in the city of New-York, and also in one newspaper printed in the city of Albany, for three successive weeks, that he has received an assessment of a tax made agreeably to this act; and that unless the said tax shall be paid within six months after the date of said advertisement, it shall then be the duty of the comptroller to sell all the lands on which the tax aforesaid shall remain unpaid, or so much of the same as may be necessary to raise the amount of the sum so assessed and remaining unpaid, together with all the expenses that shall have arisen on the same, in the same way and manner; and at the next succeeding sale he shall make under the law for the assessment and collection of taxes, and have the same authority to convey the same lands so sold, and to receive the same interest and allow the same length of time for the redemption of the same, as he is authorised to do under the several laws regulating the sale of land for taxes; and it shall be the duty of the treasurer, to pay over said money to the commissioners appointed by this act, on the warrant of the comptroller, that the said tax so returned shall amount to, at the expiration of six months above mentioned, if wanted for the purposes of making the road authorised to be opened and improved by this act: and the comptroller shall require the said commissioners to account for the same according to law.

Notices to
be publish-
ed.

Lands may
be sold.

IV. *And be it further enacted*, That each of the commissioners appointed under this act, shall give bonds, with surety, to be approved by the comptroller of this state, for the sum of five thousand dollars, with condition, faithfully to perform all things required of them by this act, according to the true intent and meaning thereof, which bonds shall be deposited in the comptroller's office, before they shall receive any of the aforesaid money.

Bonds to be
given.

V. *And be it further enacted*, That where the said road shall pass through land belonging to the people of this state, it shall be the duty of the commissioners to keep a distinct account of the expenses incurred in opening and improving such part of said road, and upon presenting such account, duly authenticated, to the comptroller, it shall be the duty of the comptroller, to draw his warrant on the treasurer, in favor of the said commissioners, for the amount of the same; and the treasurer shall pay the same out of any monies in the treasury, not otherwise appropriated, provided it does not exceed four hundred dollars.

Expenses of
making the
road thro'
state lands
to be paid.

VI. *And be it further enacted*, That the owner or occupant of any land, through which the said road may pass, and who shall actually make the said road at his own expense, through the said land, according to the directions of the said commissioners, shall be discharged from any tax or assessment on the said land, to which he would otherwise be liable.

Persons
making the
road thro'
their lands
not to be
taxed.

VII. *And be it further enacted*, That the commissioners appointed under this act, shall each of them be entitled to receive two dollars for each day's service in which they shall be employed in exploring, marking and laying out the said road, together with the wages and necessary expenses of such persons as they shall necessarily employ to assist them in executing the same; and that the said

Pay of the
commission-
ers.

commissioners shall be entitled to and receive two and an half per cent. on all monies which they shall expend for the purpose of opening and completing the road, as a compensation for making the assessment on the land, as well as contracting for and superintending the completion of said road.

Vacancies
how to be
filled.

VIII. *And be it further enacted*, That in case of the death, refusal to act, or resignation of any person appointed by this act, to be a commissioner, it shall and may be lawful for the person administering the government of this state, to supply such vacancy, by the appointment of such person to fill the same, as he in his discretion shall deem meet and proper.

Two shall
form a quo-
rum.

IX. *And be it further enacted*, That two of the commissioners hereby appointed, shall be deemed a quorum, who may transact all business incident to the trust reposed in them by this act.

CHAP. CLIII.

AN ACT authorising Thomas Stedman to keep and maintain a Ferry across the river St. Lawrence.

Passed April 15, 1816.

Preamble.

WHEREAS it is represented by the petition of Thomas Stedman, as well as by other information, that a ferry established from Massena, in the county of St. Lawrence, to Cornwall, would be of great use and convenience to the public: *And whereas*, the United States have not made any regulations whereby such ferry can be established, it is therefore thought proper to pass the following law, subject to such laws and regulations as may be made by the United States; Therefore,

Ferry from
Massena to
Cornwall.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for Thomas Stedman, of Massena, in the county of St. Lawrence, his heirs and assigns, to establish and maintain a ferry across the river St. Lawrence, from the town of Massena, in the county of St. Lawrence, in the state of New-York, to the town of Cornwall (subject to the rules and regulations of the revenue laws of the United States, as they now are, or may be, during the continuance of this act) for and during the term of ten years, from and after the first day of June next.

Docks to be
erected.

II. *And be it further enacted*, That the said Thomas Stedman, his heirs and assigns, shall, if they establish a ferry by virtue of this act, erect a convenient dock or landing place, on his land, in the most convenient place for a ferry, such as shall be suitable for that purpose, and shall, during the aforesaid term, keep and maintain a good and sufficient ferry-boat, or water craft, and ready at all reasonable times, to transport across the said river, all such persons, goods or chattels as shall be necessary.

No ferry to
be set up
within three
miles of this.

III. *And be it further enacted*, That if any person or persons shall, after the first day of June next, set up, keep or maintain a ferry, or shall transport any person, goods or chattels, across said river, for pay, presents or hire, within three miles of the aforesaid ferry, established by this act, other than the said Thomas Stedman, his

heirs and assigns, except at the point of land formed by the Grass and St. Lawrence rivers, or within sixty rods of the same, such person or persons shall, for every such offence, after said Thomas Stedman has established said ferry as above, forfeit and pay the sum of five dollars, to be recovered in any court having cognizance thereof, by any person who shall sue or prosecute for the same: *Provided, Provide.* That nothing herein contained, shall preclude any person or persons from the right of transporting themselves, their goods or chattels across said river, in their own boats.

IV. *And be it further enacted,* That the court of common pleas in the county of St. Lawrence, in their sessions, may and shall order and direct the several rates of toll to be taken at said ferry, and if the said Thomas Stedman, or any person employed by him, his heirs or assigns, shall exact or receive any greater toll than shall be allowed as aforesaid; the person so exacting and receiving shall forfeit and pay five dollars, for every such offence, to be recovered by any person who will sue for the same: *Rates of toll to be established.* And if the said Thomas Stedman, his heirs or assigns, shall at any time after the first day of June, eighteen hundred and eight, neglect to keep such ferry as is contemplated by this act, at all reasonable hours, in the day time, he or they shall forfeit five dollars for every such neglect.

CHAP. CLIV.

AN ACT to amend an act, entitled "an act incorporate the Hamilton Turnpike Road Company," passed June 12, 1812.

Passed April 15, 1816.

WHEREAS it has been represented, that it has been found impracticable to obtain subscriptions for the stock of the Hamilton turnpike road company, sufficient to make the whole of the same road, from the village of Hamilton, in the town of Madrid, until the same shall intersect the St. Lawrence turnpike road, and praying that the same company may be authorised to receive subscriptions for such part or parts of the said road, as they may be enabled to obtain, until stock sufficient to make the whole of the same road shall be subscribed; Therefore, *Preamble.*

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That it shall be lawful for the president, directors and company of the Hamilton turnpike road, to receive subscriptions for the stock of said company, for making that part of the said road which has been laid out between the said village of Hamilton and the bank of the Grass river, in the town of Madrid. *Additional subscriptions to be received.*

II. *And be it further enacted,* That when such part of the said road shall be made and completed, the distance thereof exceeding nine miles, it shall be lawful for the said company to erect either one full toll gate, or two half toll gates, upon the same road; and that they shall be entitled to exact and receive from all persons passing or using such gate or gates, the like toll as if the said road was ten miles in length, and so in proportion for any greater or less distance. *Rates of toll*

Gates.

III. *And be it further enacted*, That whenever the said president, directors and company, shall have made and completed other ten miles of the said road, they shall be authorised to erect one or more gates thereon, and to exact and receive the like tolls as are above specified.

Five years
allowed to
complete
the road.

IV. *And be it further enacted*, That the said company shall be allowed five years, from and after the passing of this act, for completing the whole of the said road: And that it shall and may be lawful for the said president and directors, to take and receive from any person in the employ of the United States, and from any person driving any carriage in their employ, whether on wheels or runners, the same tolls as the same company are authorised to receive, by virtue of this act, from any other persons; any law to the contrary notwithstanding.

CHAP. CLV.

AN ACT *declaring a part of the Oswegatchie river, in the county of St. Lawrence, a public highway.*

Passed April 15, 1816.

Part of the
river de-
clared a
highway.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That all that part of the Oswegatchie river, from Streeter's mills, in the town of Rossie, to its junction with the St. Lawrence river, be and the same is hereby declared a public highway.

Penalty for
obstructing
the river.

II. *And be it further enacted*, That if any person shall, after the passing of this act, obstruct the navigation of the above described waters, he shall forfeit, for each offence, a sum not exceeding one hundred dollars, and the further sum of twenty-five dollars for every twenty-four hours that any such obstruction shall be continued, to be recovered with costs of suit, by any person who will sue for the same; and the person or persons so offending, shall moreover be deemed guilty of a misdemeanor, and may be prosecuted accordingly, by indictment; and on conviction be subject to pay a fine not exceeding twenty-five dollars, or to be imprisoned in the gaol of the said county, for a term not exceeding sixty days: *Provided nevertheless*, That it shall and may be lawful for any person or persons hereafter to erect a dam or dams across the part of the Oswegatchie river, above described, for the use of any mills or other works, if such person or persons shall at the same time make a canal through or around such dam or dams, with a lock in the same, that will make it convenient for such boats to pass, as are commonly used on said river; and also make a good slide over said dam, suitable and convenient for rafts to pass over the same.

Proviso.

Dams now
erected.

III. *And be it further enacted*, That nothing in this act shall be construed so as to prohibit the continuance of dams already erected in the said river, nor to prohibit the rebuilding of dams, if the same shall hereafter be destroyed.

CHAP. CLVI.

AN ACT *to erect parts of the towns of Rossie and Russell, in the county of St. Lawrence, into a separate town.*

Passed April 15, 1816.

I. BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the part of the town of Rossie which is contained in township number seven, of tract number three, of Macomb's purchase, called Kilkenny, and that part of the town of Russell contained in the township number eleven, of said tract number three, of Macomb's purchase, called Port-a-Ferry, shall be and hereby is erected into a separate town, by the name of Fowler; and that the first town meeting shall be held at the house of Noah Holcomb, in said township called Kilkenny; and the remaining part of the said towns of Rossie and Russell shall be and remain separate towns, by the names of Rossie and Russell.

II. And be it further enacted, That as soon as may be after the first town meeting, the supervisors and overseers of the poor of the town of Rossie, and the town now erected by this act, on notice being given for that purpose, shall meet together and divide the money and poor belonging to the said town of Rossie, previous to the division thereof, agreeably to the last tax list, and that each of the said towns shall forever thereafter respectively maintain and support their own poor; but as to the town of Russell, there shall be no division of money or poor, on account of there being no inhabitants living on the township taken from said town of Russell, of which a part of this new town is created.

CHAP. CLVII.

AN ACT *for laying out and improving certain Roads in the county of St. Lawrence.*

Passed April 15, 1816.

I. BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That Reuben Ashman, Ebenezer Hulbart and Gouverneur Ogden be, and they are hereby appointed commissioners to lay out, establish and improve the following roads, viz: A road commencing at the village of Ogdensburgh, and running upon the most direct and practicable route by the villages of Hamilton and Massena to the eastern bounds of the said county of St. Lawrence, at such point as the said commissioners shall judge most conducive to the public interest: Also, a road commencing at the said village of Massena, and running upon the most direct and practicable route to the village in the town of Potsdam, and from thence to such point on the St. Lawrence turnpike road, in the town of Russell, as the said commissioners shall judge most proper: Also, another road commencing at the village in the town of Russell, and running by the most direct and practicable route by the village in the town of

Canton, and by the village of Columbia in the town of Madrid, to the village of Hamilton in said town.

Survey and description to be made. II. *And be it further enacted*, That the said commissioners, after laying out said roads, proceed without delay to make out a description or survey of such roads, in each of the towns through which the same shall pass, and furnish the town clerks of each of the said towns with a copy of the same, to be recorded in their offices respectively; and each of the said roads shall be thereafter a public highway of the several towns through which they run.

Assessment to be made. III. *And be it further enacted*, That the said commissioners shall, on or before the first day of October next, make out and deliver to the supervisors of the several towns through which the said roads shall pass, an assessment roll, describing all lands situate within two miles of said roads, distinguishing those situate within one mile of said roads, from those situate more than one, and less than two miles from the same; excepting always, all such lands as are situate on the opposite side of Grass, or Racket rivers, from said roads, when either of said roads or highways shall have been laid out or opened, running parallel or nearly so to the said rivers, within one mile of the same; and excepting also, all lands through or adjoining which the said roads shall have been made, of equal goodness, and at an equal expense, with the roads that shall be made pursuant to this act, by the owners of said lands.

How to be collected & applied.

IV. *And be it further enacted*, That the board of supervisors of the said county shall, at their next annual meeting, cause to be inserted in said assessment rolls, a sum not exceeding twenty cents, nor less than ten cents per acre, for all lands situate within one mile of said roads; and a sum not exceeding eight cents, nor less than four cents per acre, for all lands situate more than one, and less than two miles from the same; which said assessment rolls, with the tax thereto annexed, shall be delivered to the collectors of the several towns containing the lands so assessed, and be by them collected, at the same time and in the same manner, and with the same allowance of fees, as the other taxes are by law collected; and all monies so received shall be paid over to the county treasurer, at the same time and under the same penalties for neglect or refusal so to do, as in case of other taxes; and returns of lands of non-residents, upon which the said taxes shall not have been paid, shall be made in the same manner to the county treasurer, and by him to the comptroller, and the same proceedings in all respects be had thereon, as in case of the non-payment of other taxes: And the said county treasurer shall pay the amount of said taxes, deducting his fees, to the said commissioners, to be by them expended in making said road: And that no lands which shall be assessed under this act, shall be sold, unless notice of such tax shall be personally served on the owner or possessor of such lands, or his lawful agent or attorney, by the said commissioners or collector of said tax, and by him or them certified to the comptroller, with the return of said tax.

Bonds to be given.

V. *And be it further enacted*, That the said commissioners shall each of them, before they enter upon any of the duties of their said appointment, take and subscribe an oath or affirmation, before a justice of the peace in said county, that he will act without favor or partiality, in the discharge of all the duties enjoined upon them.

by this act ; and shall, previous to the receipt of any of the monies hereby required to be raised, enter into a bond, with such security and in such manner as shall be approved by the treasurer of said county, with whom the same shall be filed, with condition that they will faithfully expend and account to the said treasurer for all such sums of money as they shall receive so as aforesaid.

VI. *And be it further enacted*, That whenever any person or persons shall have made any part of said road across their own lands, before the time of collecting said tax, they shall be allowed on account of the same, such sum or sums as the said commissioners shall certify has been fairly expended in making the said road. Persons making road thro' their own lands not to be taxed

VII. *And be it further enacted*, That the amount of said tax assessed as aforesaid, upon any lands belonging to the people of this state, upon a proper return thereof made to the comptroller, shall be paid out of the state treasury to the said commissioners, for the purposes aforesaid. State land to be taxed.

VIII. *And be it further enacted*, That the said commissioners shall be allowed out of the monies so as above assessed and collected, for their service, three dollars for each day they shall be necessarily employed in such service, together with the expenses for assistants. Pay of the commissioners.

CHAP. CLVII.

AN ACT relative to the Court-House in the county of Madison.

Passed April 16, 1816.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the courts in the county of Madison shall continue to be held at the court-house in the town of Cazenovia, in said county, until the said courts shall be adjourned to the court-house to be erected in the town of Eaton; and that it shall not be lawful for the supervisors of the said county to sell or dispose of the said court-house in the town of Cazenovia, without reserving the right to the said county to hold the said courts at the said court-house until the said courts shall be adjourned agreeably to the provisions of the act, entitled "an act for altering and fixing the site for the court-house and gaol for the county of Madison," passed March seventeenth, one thousand eight hundred and fifteen.

CHAP. CLIX.

AN ACT granting additional powers to the special Justices for preserving the peace in the city of New-York, in certain cases.

Passed April 16, 1816.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That whenever any such recognizance, as is mentioned in the twenty-sixth section of the act, entitled "an act to reduce several laws relating particularly to the city of New-York into one act," shall be forfeited, the said recognizance shall not be estreated or delivered to the common council of the said

city, but the said justices shall cause such recognizances to be sued in any proper court, and the monies recovered thereon shall be deposited in the city treasury, and form a part of the fund before mentioned, and be appropriated in like manner.

II. *And be it further enacted*, That it shall be the duty of the said justices to cause to be apprehended and sent to the alms-house in the said city, all idle children who shall be found in the said city, going about to beg, and whose parents are prostitutes, or disorderly persons, or keepers of notorious gambling houses, or houses for the purposes of prostitution; and the commissioners of the alms-house and bridewell of the city of New-York, are hereby authorised to bind out such children without the consent of their parents, in like manner as if such children were chargeable to the said city.

CHAP. CLX.

AN ACT further to extend the powers and duties of Commissioners of estimate and assessment on opening and improving of streets in the city of New-York.

Passed April 16, 1816.

Preamble. WHEREAS the mayor, aldermen and commonalty of the city of New-York, have by their memorial represented to the Legislature, that the opening and improving of streets in the compactly built part of the said city, will not unfrequently render it necessary that a new regulation should take place in the elevation or depression of streets already regulated previous to such improvement; that by such new regulation, the buildings erected upon such streets in conformity with the previous regulation thereof, may be essentially damaged; and that no provision is made by the existing laws to afford indemnity to the owners of property thus injured, for the loss and damage which may be sustained by them in the premises, and have prayed legislative aid for the purpose of such indemnity: Therefore,

Profiles and plans of streets, &c. to be furnished by the corporation.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That whenever and as often as commissioners of estimate and assessment shall hereafter be appointed under and by virtue of the act, entitled "an act to reduce several laws relating particularly to the city of New-York into one act," passed April 9th, 1813, to perform the duties prescribed by the said act, and the acts amending the same, relative to the opening, extending, enlarging, straightening, altering, or otherwise improving any street or streets, or part of a street, or public place or places, in any part of the said city, not laid out into streets, avenues, squares and public places, by the commissioners of streets and roads in the said city, under and by virtue of the act, entitled "an act relative to improvements touching the laying out of streets and roads in the city of New-York and for other purposes," passed April 3d, 1807; and also in all and every case and cases where such commissioners of estimate and assessment have been heretofore appointed under the first above mentioned act, to perform the said duties, and have not yet made their report of estimate and assessment to the supreme court of this

state, it shall be the duty of the said commissioners, in each case before the completion of their estimate and assessments in the premises, to obtain from the corporation of the city of New-York a profile or plan, shewing the intended regulation of such street, or part of a street, or public place, as to the elevation or depression thereof, after the same shall be opened, extended, enlarged, straightened, altered, or otherwise improved as the case may be; and also profiles or plans, if they shall deem the same useful, shewing the intended regulation of the adjacent street or streets, as to the elevation or depression thereof, after such improvement; and if the said commissioners of estimate and assessment shall judge that such intended regulation will injure any building or buildings not required to be taken for the purpose of opening, extending, enlarging, straightening, altering or improving such street, or part of a street, or public place, they shall proceed to make (together with the other estimates and assessments required by the first above mentioned act to be made by them) a just and equitable estimate and assessment of the loss and damage which will accrue, by and in consequence of such intended regulation, to the respective owners, lessees, parties and persons respectively entitled unto or interested in the said building or buildings so to be injured by the said intended regulation; and the sums or estimates of compensation and recompense for such loss and damage, shall be included by the said commissioners in their general report of estimate and assessment, which they shall make in relation to the intended improvement of the street or public place so to be opened, extended, enlarged, straightened altered or improved; and the report of the said commissioners, as to such damage and loss, and as to the persons or parties who are to receive the compensation or recompense reported, shall be made in the manner directed by the first above mentioned act, as to other damages reported by the said commissioners.

Equitable
estimate &
assessment
to be made.

II. *And be it further enacted*, That the sums or estimates of compensation or recompense for the damages aforesaid, reported by the said commissioners, shall be paid by the said mayor, aldermen and commonalty of the city of New-York, at the time and in the manner prescribed by the first above mentioned act, for the payment of the damages reported by commissioners of estimate and assessment, in favor of the persons and parties whom they deem entitled thereto; and the said sums or estimates of compensation and recompense, shall be borne and reimbursed to the said mayor, aldermen and commonalty, by the persons and parties interested and entitled, as owners or otherwise, unto or in the lands, tenements, hereditaments and premises, deemed to be benefitted by the opening, extending, enlarging, straightening, altering or improving the street or public place, the opening, extending, enlarging, straightening, altering or improving of which, and the subsequent regulation of the same or of the adjacent street, shall or may produce such damage or loss; and the said commissioners, or the assessors to be appointed by the said mayor, aldermen and commonalty, under and by virtue of the said first above mentioned act, shall assess the said sums upon and among the said persons and parties interested and entitled, as owners or otherwise, unto or in the said lands, tenements, hereditaments and premises deemed to be benefitted by the opening, extending, enlarging, straightening, altering or improving such street or public place,

Compensation
for damages,
&c.
how to be
made.

in the same manner as though the said sums had been awarded for damages for lands or premises. required for the purpose of opening, extending, enlarging, straightening, altering or improving the said street or public place.

CHAP. CLXI.

AN ACT *declaring the Neversink River a public highway, and for other purposes.*

Passed April 16, 1816.

Preamble.

WHEREAS it is represented to the Legislature, that there are, adjacent to the banks of the Neversink river, in the counties of Orange and Sullivan, large quantities of valuable timber, which the inhabitants, on clearing their lands, are under the necessity of burning or otherwise destroying; and that by removing many of the rocks and other obstructions, and cutting through some adjoining points of land, it is practicable to render the said river passable for rafts of lumber, &c. from the mills of Thomas S. Lockwood, at a place called the Neversink falls, in the town of Thompson, in the said county of Sullivan, to its intersection with the Delaware river, which would greatly promote the convenience and prosperity of a very considerable portion of the citizens of this state: *And whereas* certain persons have prayed that that part of the said Neversink river above described, shall be by law declared a public highway, and for an act of incorporation to enable themselves and associates to improve the navigation thereof in manner as aforesaid: Therefore,

Neversink declared a public highway.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly,* That the said Neversink river, from the mills of Thomas S. Lockwood, aforesaid, to its junction with the Delaware river, be and the same is hereby declared a public highway, subject however to the regulations, restrictions and grants herein after contained.

Company incorporated.

II. *And be it further enacted,* That Otto William Van Tuyl, Jabez Wakeman, Daniel Clark, William W. Sacket, Richard R. Vooris, Jabez Wakeman, jun. Samuel F. Jones, John Knapp, George A. Wakeman, Alexander Ketchum, George Vaughn, and such other persons as shall associate with them for that purpose, shall be and hereby are created and made a body corporate and politic, in fact and in name, by the name of "the President and Directors of the Neversink Navigation Company;" and by that name they and successors shall and may have perpetual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, for the purpose of opening and improving that part of the Neversink river, herein before described, in such manner as to render the same passable for rafts of lumber; and that they and their successors may have a common seal, and may change and alter the same at pleasure, and also that they and their successors, by the same name, shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of said corporation.

Style, &c.

III. *And be it further enacted*, That the capital stock of said Stock. company shall consist of two thousand shares, at twenty-five dollars each share; and that each stockholder shall be entitled to one vote for every share he or she shall hold; and that subscriptions shall be kept open under the direction of said president and directors, until the whole number of shares shall have been subscribed, at such times and places as they shall deem expedient: *Provided*, the whole amount of the stock, estate and property, which the said corporation shall at any time hold, shall not, including the capital stock above mentioned, exceed in value one hundred thousand dollars.

IV. *And be it further enacted*, That the stock, property and concerns of said company shall be managed and conducted by five directors, one of whom to be president, who shall hold their offices respectively for one year, and until others are chosen, and shall be stockholders, and shall be elected on the second Tuesday in January in every year, at such place as a majority of said directors (who shall upon all occasions constitute a board for the transaction of business for the time being) shall appoint, public notice whereof shall be given agreeable to the by-laws, rules and regulations of the said company, to be hereafter adopted by the said president and directors; and the said elections shall be held and made by such stockholders as shall attend for that purpose, either in person or by proxy, and that all elections shall be by ballot; and the said directors shall proceed by ballot to elect one of their number president: And whenever any vacancy or vacancies shall have happened by death, resignation or otherwise, among the directors, such vacancy or vacancies shall be filled for the remainder of the year, or until the next annual election, by such person or persons as the remainder of the directors for the time being (stockholders) shall appoint: And the first directors shall be Daniel Clark, Richard R. Vooris, Otto William Van Tuyl, Samuel F. Jones and Jabez Wakeman, jun. and shall hold their offices respectively until the second Tuesday in January next after the passing of this act, and until others are elected in their places: *And further*, that if it should at any time happen, that an election of directors shall not be made on any day when, pursuant to this act, it ought to have been done, the said corporation for that cause shall not be deemed to be dissolved, but that it shall and may be lawful to hold such election on any other day, in such manner as shall have been regulated by the by-laws of the said corporation; and that the president of said company shall have power to call special meetings of the directors and of the stockholders of the said company whenever he shall deem the same necessary.

V. *And be it further enacted*, That the said president and directors, or a majority of them, shall have power to make, alter and repeal such by-laws, rules and regulations, as to them shall appear necessary and proper, for the well ordering and governing the concerns of the said corporation: *Provided*, such by-laws, rules or regulations shall not be repugnant to the constitution and laws of this state or of the United States.

VI. *And be it further enacted*, That said president, directors and company shall have full power and lawful authority, to clear and remove all obstructions in that part of the said Neversink river, by this act declared a public highway, and make and render that part

Concerns to be managed by 5 directors.

How to be elected.

First directors.

By-laws.

Proviso.

River to be cleared.

thereof passable for rafts, so that they may pass thereon with safety and for the purpose of doing which, it shall be lawful for the said president, directors and company, their agents or servants, to pass or re-pass on any of the lands contiguous thereto, with their carriages, teams, tools and implements, and to take and carry away, off and from any such lands, such timber and other materials as shall be necessary to accomplish the object of this institution; and also, the better to facilitate the said object, it shall and may be lawful, for the said president, directors and company to cut through such adjoining necks of land as to them shall appear necessary, and for that purpose to enter on such lands, with their agents, servants, teams, tools and implements; and those parts of said river, when so altered as to be covered with water, shall be considered as forming a part of said public highway.

Damages,
how to be
paid.

Appraisers
to take an
oath.

VII. *And be it further enacted,* That the said president, directors and company may agree with the owner or owners of such lands or materials for the amount of the damages which the said owner or owners of such lands or materials shall sustain thereby; and in case of disagreement between the said parties respecting the value thereof, or if the owner or owners shall be females, covert, insane, under age, or out of the county, then it shall and may be lawful for the said president and directors to apply to one of the judges of the court of common pleas of the county of Sullivan, who is hereby authorised and required to appoint three disinterested persons, being freeholders, by warrant under his hand and seal; and it shall be the duty of said president and directors forthwith to notify such persons of their said appointment, who or any two of them shall thereupon name a day for their meeting for the purpose above mentioned; and also to give notice to such owner or owners of such lands or materials, of the appointment and meeting of said appraisers, at least four days previous to such meeting, when and where the said appraisers will meet for the purpose above mentioned, except in case the owner or owners of such lands or materials shall labor under any of the disabilities aforesaid. *And further,* each of the said appraisers shall, before he proceeds to exercise the trust reposed in him by this act, take and subscribe an oath or affirmation, before one of the justices of the peace in and for the county aforesaid, that he will without favor or partiality estimate and assess the damage, if any, which may be sustained by the owner or owners of any lands, improvements or materials, which the said president and directors may deem necessary for carrying into effect the object of this act; and the said appraisers shall thereupon proceed to view the premises, and having determined the damages which the owner or owners of the lands or materials shall respectively sustain, shall make an inquisition under their hands and seals, or the hands and seals of any two of them, stating the amount of such damages respectively, if any—which inquisition shall be filed in the office of the clerk of the said county; and the said president and directors shall pay to the judge who has made such appointment and issued such warrant, one dollar for his said services, and to each of the said appraisers, for each and every day necessarily attending to the duties required of them by this act, two dollars and fifty cents: *Provided however,* that nothing in this act contained shall be so construed as to authorise the said president, directors and company, or any other person or persons whomsoever under them,

to use such lands or materials until they shall have paid or tendered the amount of such appraisement or agreement; or in case such owner or owners shall labor under any of the disabilities aforesaid, it shall be their duty to deposit the same in the office of the clerk of the county of Sullivan, for the use of such owner or owners.

VII. *And be it further enacted*, That any person or persons owning or occupying lands on the banks of said river, declared a public highway as aforesaid, may erect as many dams as he or they shall deem proper across the said river : *Provided*, they shall so construct the said dam or dams, with a good and sufficient apron to each, on a descent of not more than twenty degrees, constructed as follows, to wit; a space shall be left for that purpose in the top of any such dam, not more than forty nor less than thirty feet wide, two feet lower than other parts of any such dam, in such part of such dam as shall be most convenient for the passing of rafts; on the event of any such dam or dams or the apron or aprons thereof breaking away, or any part thereof, so as to render it unsafe for the passing of rafts, then it shall be lawful for the said president and directors, their agents or servants, to remove any such obstruction or obstructions, so that rafts may pass with safety, doing as little other damage to said dam or dams, or other works thereunto belonging, as the nature of the case will admit of.

Dams may be erected.

VIII. *And be it further enacted*, That the said president, directors and company are hereby authorised to make, construct and affix good and sufficient aprons on, and so otherwise alter any dam or dams, now on or across said river, so as to render it safe for rafts to pass thereon, the damages, thereof if any, to be ascertained and paid in manner herein directed relative to lands and materials.

with aprons.

IX. *And be it further enacted*, That whenever the said president and directors shall have made the aforesaid part of said river navigable for rafts, within the meaning of this act, it shall be their duty to apply to one of the judges of the court of common pleas of the county of Sullivan, who shall thereupon appoint, by warrant under his hand and seal, three commissioners, being freeholders and citizens of said county, whose duty it shall be, on notice thereof, to inspect the said river; and if they or any two of them shall be of opinion, that the aforesaid part of said river is passable for rafts, within the true intent and meaning of this act, that they or any two of them shall thereupon certify the same, under their hands and seals, and deliver such certificate to the said president and directors, who shall cause the same to be filed in the office of the clerk of the county of Sullivan.

Inspectors to be appointed.

X. *And be it further enacted by the authority aforesaid*, That from and after the filing the said certificate in the office aforesaid, it shall and may be lawful for the said president, directors and company, to demand, collect and receive the following rates of toll on all lumber transported or passing along that part of said river herein declared a public highway, or any part thereof, from the owner or owners of any such lumber, or of any person or persons having the same in charge, to wit: For every thousand feet of pine or other boards or plank, one dollar and fifty cents, (hemlock and cherry excepted); for every thousand feet of cherry boards and plank, two dollars; for every thousand feet of hemlock boards or plank, one dollar; for

Rates of toll

every thousand feet of maple or other hard wood, sawed, one dollar and fifty cents; for every thousand feet of pine scantling or square timber, one dollar; for every thousand feet of hard wood, hewed, one dollar; for every thousand feet of hemlock scantling or square timber, seventy-five cents; for every thousand feet of square timber or scantling, of wood not herein before mentioned, one dollar: (The above rates of toll to be calculated inch board measure:) For every hemlock log, twelve feet long or under, ten cents, so in proportion for a greater length; for other logs of any description, (like length) fifteen cents, and so in proportion for a greater length; for every thousand eighteen inch shingle, fifty cents; for every thousand twenty-seven inch shingles, one dollar and fifty cents; for every cord of bark fifty cents; for every thousand barrel staves, one dollar; for every thousand hogshead staves, one dollar and fifty cents; for every thousand pipe staves, two dollars; all other kinds of lumber in like proportion according to its weight and value.

Toll gather-
ers.

XI. *And be it further enacted*, That it shall be lawful for the said president and directors to appoint one or more agents or toll gatherers, adjacent to the said river, to demand and receive the said tolls above granted: *And further*, That if any person or persons shall run, or attempt to run, any lumber on or along the aforesaid part of said river or any part thereof, without having paid to the said agents, or one of them, the amount of the tolls above granted, or shall turn any kind of lumber adrift on said part of said river, apparently for the avoidance of tolls, or shall in any case render a false account of the quantity of lumber contained in any such raft, such person or persons shall be liable to pay to the said president, directors and company four times the amount of the tolls that might otherwise have been demanded on such lumber, to be recovered in an action on the case, with costs of suit, before any court having cognizance thereof, of the owner or owners, or of any other person aiding and assisting in running such lumber, contrary to the true intent and meaning of this act: *Provided however*, That nothing herein contained shall be so construed as to prevent any person or persons from conveying any log or logs on or along the said river, to any mill northwardly of the mouth of a stream called Bush-kill, for the purpose of sawing: *And also*, That nothing herein contained shall authorize the said president, directors and company, to demand or receive any toll on any raft or lumber coming into the river below the mouth of Basher-kill.

Payees.

Accounts.

XII. *And be it further enacted*, That the said president and directors shall cause to be kept a just and true account of all monies received for toll, by the several collectors of toll on said river, and shall make, declare and publish a half yearly dividend of the clear profits thereof, (all contingent charges being first deducted,) among the stockholders of the said corporation, on the Wednesdays succeeding the second Tuesdays in January and July, in every year, during the continuance of this act, and the time and place when and where the same shall be paid, and shall cause the same to be paid accordingly.

Penalties.

XIII. *And be it further enacted*, That if any person or persons shall obstruct or injure the navigation of that part of the said Neversink river, hereby declared a public highway, in any manner what-

soever, such person or persons shall forfeit and pay the sum of ten dollars, for each and every offence, to be recovered with costs of suit, in an action of debt or otherwise, for the use of said company.

XIV. *And be it further enacted*, That the stock of the said company shall be deemed personal property, and transferable in such manner, and be paid at such times, in such proportions, on such notice and at such places as by the president and directors of the said corporation shall be established and appointed, on the pain of forfeiture of such share or shares, and all previous payments made thereon, if such payments so as aforesaid be not complied with, within thirty days next after the time for that purpose appointed. Stock declared personal property.

XV. *And be it further enacted*, That this act and the privileges, tolls and emoluments, hereby intended to be granted to the said corporation, shall continue in force twenty-five years, from and after the passing of this act. Duration of this act.

XVI. *And be it further enacted*, That this act be and is hereby declared a public act, and that the same be construed, in all courts and places whatsoever, benignly and favorably for every beneficial purpose therein intended.

CHAP. CLXII.

AN ACT for the relief of certain of the Devises of Petrus Stuyvesant, deceased. Preamble.

Passed April 16, 1816.

WHEREAS Benjamin Winthrop and Judith his wife, Derick Ten Broeck and Cornelia his wife, Margaret Stuyvesant the younger, and Nicholas Fish and Elizabeth his wife, have, by their petition to the legislature of this state, set forth, that Petrus Stuyvesant, late of the city of New-York, now deceased, was, in his life time, seised in fee and possessed of certain lands herein after mentioned; and being so seised and possessed did, by his last will and testament, made and published in due form of law, for passing real estate, devise the said lands to his daughters, the before named Judith, Cornelia, Margaret and Elizabeth, as tenants in common, that is to say: As to the shares of the said Margaret and Elizabeth, in fee simple, and as to the shares of the said Judith and Cornelia, for their respective lives with certain remainders over; and did also by his said last will and testament, direct that his said daughters should, with all convenient speed after his decease, make partition of the said lands, in the manner in the said last will and testament directed; and that the said Petrus Stuyvesant afterwards died so seised and possessed of the said lands as aforesaid, and without having revoked or altered the said last will and testament, so far as the same related to the said devise and direction: And that in pursuance of the said last will and testament, partition hath been made of the said lands, in the manner therein directed: And that at the time of such partition the lands, together with the lands adjoining, were laid out into streets, according to a plan which had been theretofore made; and that in making the said partition, regard was had to the said streets; and that since the making of the said partition, a great part of the said

lands have been laid out anew into streets and avenues, by the commissioners appointed in and by an act, entitled "an act relative to improvements, touching the laying out of streets and roads, in the city of New-York, and for other purposes:" And that the streets and avenues, laid out by the said commissioners, pass through the said lands, in such directions, that if the said partition, so made as aforesaid, shall remain in force, the respective shares of the said petitioners in the said lands, will be greatly impaired in value; and that by reason of the estate in remainder, in the shares of the said lands of the said Judith and Cornelia, the petitioners cannot, without legislative aid, make a re-partition thereof; and praying that such provisions as are herein after contained, may be enacted for their relief: *And whereas*, it appears to the legislature, that the said representations are true, and that the prayer of the said petitioners is reasonable; Therefore,

Partition
annulled.

I. *Be it enacted by the people of the State of New-York, represented in Senate and Assembly*, That the partition heretofore made, in pursuance of the last will and testament of the said Petrus Stuyvesant, deceased, of the lands therein devised to his four daughters, Judith, Cornelia, Margaret and Elizabeth, and therein described as his farm, called Landert's; and also his salt meadow, on the south side of a creek, called Stuyvesant's creek, which creek is the north boundary of the said salt meadow, and the south boundary of the salt meadow belonging to the farm, called the Bowery farm, be and the same is hereby annulled and altogether made void.

Lands vested in C. I. Bogert and P. A. Jay, in trust.

II. *And be it further enacted*, That the said lands and the hereditaments and appurtenances thereunto belonging, be and they are hereby vested in Cornelius I. Bogert and Peter Augustus Jay, esquires, and their heirs, to have and to hold the same, as joint tenants, and not as tenants in common, in trust for the purposes following, and for no other purposes whatsoever, that is to say: In trust, that the said Cornelius I. Bogert and Peter Augustus Jay, or the survivor of them, shall cause the said lands to be laid out in lots, and shall divide the same into four parts, as nearly as may be equal in value, due regard being had to any demises or incumbrances which may have been made of or upon any parts thereof, and shall convey one of the said equal parts to each of the said Judith, Cornelia, Margaret and Elizabeth, that is to say, to the said Margaret and Elizabeth, in fee simple, and to the said Judith and Cornelia, respectively, for life, with such remainders over as are mentioned in the said last will and testament.

New partition confirmed.

III. *And be it further enacted*, That such partition to be made in pursuance of the last preceding section of this act, shall be to all intents and purposes as valid and effectual, and shall have the same operation and effect, and no other, as if the same had been made in pursuance of the said last will and testament; and that the said Judith, Cornelia, Margaret and Elizabeth, shall have and enjoy the same interests and estates in the parts of the said land so to be respectively conveyed to them, as they would have had in the parts of the said land respectively allotted to them, by the partition heretofore made, in case this act had never been passed: And that the parts of the said land so to be conveyed to them respectively, shall descend and go in like manner as the proportions of the said lands de-

vised as aforesaid, by the said last will and testament are therein directed to descend and go; the only intent of this act being to substitute a new partition of the said lands in the place of that which hath been heretofore made: *Provided always,*

IV. *And be it further enacted;* That nothing in this act contained, shall be construed to defeat or impair any interest or estate which any person or persons may have or claim in or to any part or parts of the said lands, by virtue of any demise, conveyance or act, lawfully made or done by the said devisees, or any or either of them. The rights of any person to said land not to be impaired by this act.

CHAP. CLXIII.

AN ACT for the relief of George F. Helmer.

Passed April 16, 1816.

WHEREAS it is represented by the chiefs of the Oneida nation of Indians, in conjunction with George F. Helmer, that the said George is now erecting, at considerable expense, a grist-mill, near the lands of the said Indians, lying in the town of Vernon, in the county of Oneida, and that the said grist-mill will be an advantage to the said Indians; that the water necessary to supply the said mill is taken from the Skanendo creek, by means of a canal, and that there is no convenient way to return the water into the said creek, except across the lands of the said Indians, which are now a swamp, the same will be made more valuable by cutting a canal through and thereby conduct the said water to the said creek:

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for George F. Helmer, his heirs and assigns, to make a canal through the lands of the said Oneida Indians, lying near the grist-mill which he is now building, in the town of Vernon, in the county of Oneida, so as to conduct the water from his said mill to the Skanendo creek, and to enjoy the privilege of keeping open said canal so long as may be necessary for the accommodation of the said grist-mill.

CHAP. CLXIV.

AN ACT to enlarge the Gaol Liberties in the county of Sullivan.

Passed April 16, 1816.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall be lawful, and it is hereby made the duty of the judges and assistant justices of the court of common pleas, in and for the county of Sullivan, at the next term of their said court, or at any other term they shall think most proper, at their discretion, to enlarge the liberties of the gaol in said county: *Provided,* the limits thereof shall not extend, in any direction, to a greater distance than half a mile from the court-house in said county.

CHAP. CLXV.

AN ACT to discharge the Rector, Church Wardens and Vestrymen of St. Andrew's Church, in the county of Richmond, from the payment of quit-rents, and for other purposes.

Passed April 16, 1816.

Preamble. WHEREAS the glebe or church property, belonging to the rector, church wardens and vestrymen of St. Andrew's church, in Castleton, in the county of Richmond, was originally granted, by patent, to Elias Duxbury, and was by him devised to the said church, in the year of our Lord one thousand seven hundred and eighteen, by reason whereof the said church cannot obtain the benefit of the provisions contained in the seventh section of the act, entitled "an act further to amend the acts concerning quit-rents," passed 18th April, 1815; Therefore,

Land to be discharged from quit-rent. I. BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the comptroller may and he is hereby directed to cancel and discharge, on the books in his office, the quit-rents charged on the lands included in the patent to Elias Duxbury, and devised by him to the said rector, church wardens and vestrymen of St. Andrew's church aforesaid.

Preamble. And whereas Daniel D. Tompkins, has engaged to open and make a road in Castleton aforesaid, four rods wide, extending from Kill Van Kull to the Richmond turnpike road, which leads to the Bay of New-York, at the south side of the Quarantine ground, in exchange for the present circuitous road of two rods wide; therefore,

New road to be made. II. Be it further enacted, That whenever the said Daniel D. Tompkins, shall open and make the said proposed road, and shall procure and file in the office of the clerk of the county of Richmond, a certificate of the commissioners of highways, for the said town of Castleton, for the time being, or of a majority of them, that the said proposed road is opened four rods wide, and completed in the manner of a turnpike road, from the north-west corner of the land of the said Daniel D. Tompkins, on the aforesaid Kill Van Kull, to its intersection with the said Richmond turnpike road, and that the same is more convenient for the inhabitants of said town, and for the public, than the present road leading to said Richmond turnpike road, the said new road shall be and thenceforth continue a public highway: And all that part of the present road, between the point where the said proposed road shall leave the shore of Kill Van Kull, and the turnpike road at the south-west corner of the Marine hospital or Quarantine establishment, may be shut up, and shall revert to the said Daniel D. Tompkins, his heirs and assigns for ever: *Provided always*, That nothing herein contained, shall be so construed as to impair or prejudice the possessions or other rights of any tenant for years or other persons occupying or having any interest whatsoever, in any part of the land adjoining the said old road, between the points aforesaid, during the continuance of their respective possession thereof, or interest therein.

The old road to be shut up.

Proviso.

CHAP. CLXVI.

AN ACT directing the incorporation of the Hartwick Seminary.

Passed April 17, 1816.

WHEREAS the reverend John C. Hartwicke, deceased, by his *Preamble.* last will and testament, hath devised a considerable estate, for the endowment of a literary and theological seminary, to be established within the bounds of a tract of land whereof he died seised, situate in the town of Hartwick, in the county of Otsego: *And whereas* one of the declared objects of the said testator, was to promote the education of pious young men, for the gospel ministry in the Lutheran church, whereof he was a member: *And whereas* John G. Knauff, the present trustee of the said estate, hath, by his petition to the legislature, represented, that he hath erected a commodious building for the use of the said seminary, on the said tract of land, and hath employed a respectable Lutheran minister, of competent talents and learning, who has taken upon himself the charge of conducting the said seminary, and that the said seminary is now in a flourishing situation, and that he, together with the reverend synod of the Lutheran church, agreeably to the intentions of the testator, have agreed upon the plan herein after mentioned, for the incorporation of the said seminary, and hath prayed the legislature to pass an act, authorizing and directing the regents of the university of this state, to grant to the persons herein after named, a charter for incorporating the said seminary, by the name of "The Hartwick Seminary," according to the said plan: Therefore,

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly,* That the regents of the university of this state, be and they are hereby authorised and directed to grant a charter of incorporation to the aforesaid seminary, by the aforesaid name and style, subject to their visitation, and in the usual form of their charters, except that the principal of the said seminary shall always be a Lutheran minister, of good standing, and that a majority of the trustees shall always be Lutheran clergymen and laymen, whose duty it shall be, in addition to the other branches of education to be taught in the said seminary, to teach candidates for the gospel ministry, in the said seminary, a regular system of theology. *Charter to be granted to the seminary.*

II. *And be it further enacted,* That the reverend Frederick H. Quitman, of Rhinebeck; the reverend Henry Moeller, of Sharon; the reverend Augustus Wackerliagen, of Schoharie; the reverend Frederick G. Meyer, of Albany; Mr. Leonard Fisher, of the city of New-York; William C. Bouck, of Schoharie; Daniel Simmons, of Brunswick, in the county of Rensselaer; Philip Talbert, of Albany, and the reverend Daniel Nash, Nathan Davison, Samuel Crafts and Thomas Loomis, of the said town of Hartwick, shall be the first trustees of the said seminary: And that whenever the said seminary shall be incorporated as aforesaid, the said John G. Knauff, shall, under and by direction of the chancellor, assign, convey and deliver to the trustees thereof, all the real and personal estate which is vested in him as trustee, by virtue of the aforesaid will, after retaining in his hands such sum or sums of money, as the chancellor shall al- *Trustees.*

low for his reasonable services, costs, charges and expenditures, in and about the execution of his said trust; and that thereupon the said John G. Knauff shall be exonerated and discharged from the said trust.

Executors
may be
called to
account.

III. *And be it further enacted*, That it shall be lawful for the trustees of the aforesaid academy, to call the executors and trustees of the said John C. Hartwicke, deceased, to account, in any court having cognizance thereof, for the sale and proceeds of any portion of the real or personal estate of the said deceased, which may have come to their hands.

CHAP. CLXVII.

AN ACT to incorporate the Bank of Niagara.

Passed April 17, 1816.

Preamble.

WHEREAS Augustus Porter, Charles Townsend, Erastus Granger, Ebenezer Walden, and Jonas Harrison and others, associated as a company, under the name and style of "the Bank of Niagara," by their petition presented to the Legislature, have prayed for the privilege of being incorporated as a company and body corporate: Therefore,

Company
incorpora-
ted.

Style and
powers.

Proviso.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That all such persons as shall be stockholders of the said bank, shall be and hereby are ordained, constituted and declared to be, from time to time, and until the first day of January, which will be in the year of our Lord one thousand eight hundred and thirty-two, a body corporate and politic, in fact and in name, by the name of the President, Directors and Company of the "Bank of Niagara," and by that name they and their successors, until that day, may and shall have succession, and shall be in law persons capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and in all manner of action, suits, complaints, matters and causes whatsoever; and that they and their successors may have a common seal, and may change and alter the same at their pleasure; and also that they and their successors, by the aforesaid name of incorporation, shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of the said corporation: *Provided*, that the real estate which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for its immediate accommodation, in relation to the convenient transaction of its business, or such as shall have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts: *And provided*, that the said bank shall be established in the village of Buffalo, and that its operation of discount and deposit shall be carried on in the said village of Buffalo, and not elsewhere: *And provided also*, that it shall not be lawful for the said bank to issue any notes or bills, until an affidavit by the president and cashier of said bank shall have been made

and filed in the clerk's office of the county of Niagara, stating, that the sum of twelve and an half per cent. upon each share of the capital stock of said bank has been actually paid into the said bank by the several stockholders, in specie : *And further*, that the said corporation shall not, directly or indirectly, deal or trade in business, or selling any goods, wares, merchandises, or commodities whatsoever, or in buying or selling any stock created under any act of the United States, or of any particular state, unless in selling the same when truly pledged by way of security for debts due to the said corporation.

II. *And be it further enacted*, That the capital stock of the said corporation shall not exceed four hundred thousand dollars, and that ^{Capital} stock a share in said stock shall be fifty dollars.

III. *And be it further enacted*, That the stock, property, affairs ^{Affairs to be} and concerns of the said corporation, shall be managed and conducted ^{managed by} by thirteen directors, to be appointed and chosen in manner hereafter ^{13 directors} mentioned, who shall be stockholders and citizens of this state, and shall hold their offices for one year, and until others shall be chosen in their places : The election for directors shall be held on the third ^{How to be} Monday in November in each year, at such time of day, and at ^{elected.} such place within the village of Buffalo, as a majority of the directors shall appoint ; and public notice shall be given, not less than thirty days previous to the time of holding said elections, by an advertisement to be inserted in one or more of the public newspapers printed within the county of Niagara : The said election shall be made by the stockholders in the said corporation, either in person or by proxy ; and all elections for directors shall be by ballot ; each stockholder shall be entitled to a number of votes which he or she shall have held in his or her name at least thirty days previous to the time of voting, that is to say, one vote for each and every share ; and the thirteen persons who shall have the greatest number of votes as aforesaid, shall be directors ; and if it should happen at any election, that two or more persons elected as aforesaid shall have an equal number of votes, then the directors in office at the time of such election, or a major part of them, shall proceed to ballot, and by plurality of votes determine which of the said persons so having an equal number of votes shall be director or directors, so as to complete the whole number so to be elected ; and the directors as soon as may be thereafter shall proceed by ballot to elect one of their number to be their president ; and if any director living in the village of Buffalo, shall remove out of the same, his office shall be considered as vacant ; ^{Vacancies,} and all vacancies in the direction shall be filled for the remainder of ^{how to be} the year in which they shall happen, by such person or persons ^{filled.} as the remainder of the directors or a majority of them shall appoint.

IV. *And be it further enacted*, That Joseph Ellicott, Jonas Williams, Ebenezer Walden, Ebenezer F. Norton and Jonas Harrison shall be commissioners, whose duty it shall be on the first day of June next, at some proper place in the village of Buffalo, to open books to receive subscriptions to the capital stock of the said bank ; and public notice shall be given by the said commissioners, of the time and place of opening such books, in all the newspapers printed in said village, for at least four weeks ; and it shall be the duty of said commissioners to keep said books open for the space of

One dollar
to be paid
on each
share.

one week, and from ten to three o'clock on each day of the week (except Sunday), and to receive the subscriptions of all persons inclined to subscribe therein, being residents of either of the counties of Niagara, Genesee or Chautauque; and the said commissioners shall demand and receive from any subscriber, at the time of the subscription, the sum of one dollar on each share so subscribed; and if the number of shares so subscribed shall exceed eight thousand shares, the said commissioners shall apportion the same among the several subscribers, in proportion to the amount of their several subscriptions; and the said commissioners shall be inspectors of the first election of directors of said bank, and shall certify under their hands the names of those duly elected, and deliver over to them the subscription books, together with the deposit money on the stock so subscribed; and the time and place of holding such first election shall be fixed by the said commissioners, and public notice, for at least thirty days, of the time and place of such election, shall be given by the said commissioners as aforesaid; and the directors so chosen shall hold their offices until the third Monday of November next: And in case the said number of eight thousand shares should not be subscribed for in the books directed by this act to be opened by the commissioners as aforesaid, within the time aforesaid, then subscriptions shall be opened and kept open under the direction of the said commissioners, at such times and places as they shall think proper, until the whole number of shares shall be subscribed.

Election
may be
held on
any day.

V. *And be it further enacted*, That in case it should at any time happen, that an election of directors should not be made on the day prescribed by this act, the corporation for that cause shall not be deemed to be dissolved, but that it shall and may be lawful, on any other day, to hold and make an election of directors according to the by-laws and regulations of the said corporation.

By-laws
may be
made.

VI. *And be it further enacted*, That the directors for the time being, or a majority of them, shall have full power to make and prescribe such by-laws, orders, rules and regulations, as to them shall appear needful, touching the management and dispositions of the stock, property, estate and effects of the said corporation, and the time and manner of the discounts and deposits made in and by the same; the duties and conduct of the officers, clerks and servants, employed therein; the election of directors, and all such matters as appertain to the business of a bank; and shall also have power to appoint so many officers, clerks and servants, for carrying on all and singular the said business, and with such salaries and allowances, as to them shall seem meet: *Provided*, that such by-laws, orders, rules and regulations be not repugnant to the constitution and laws of this state, or of the United States.

Proviso.

Transfers.

VII. *And be it further enacted*, That no transfer of stock shall be valid or effectual, until such transfer shall be registered in a book or books, to be kept for that purpose, by the directors, and unless the person making the same shall previously discharge all debts due by him or her to the said corporation, which exceed in amount the residuary stock of such person.

Debts.

VIII. *And be it further enacted*, That the total amount of debts at any time and in any manner due by the said corporation, over and above the specie then actually deposited in the bank, shall not

exceed three times the sum of the capital stock subscribed and actually paid into the said bank ; and in case of any excess, the directors under whose administration the same may have happened, excepting those who dissented therefrom, or were not present when the same did happen, shall, in their individual and private capacities, be liable for such excess, and the estate of the said corporation shall likewise be liable therefor.

IX. *And be it further enacted*, That the bills obligatory and of credit, under the seal of the said corporation, which shall be made ^{Bills.} to any person or persons, shall be assignable by indorsement thereon, under the hand or hands of such person or persons, his, her or their assignee or assignees, and so as absolutely to transfer and vest the property thereof in each and every assignee or assignees respectively, and to enable such assignee or assignees to bring and maintain an action thereupon, in his, her or their own name or names ; and bills or notes which may be issued by order of the said corporation, promising the payment of money to any person or persons, his, her or their order, or to bearer, though not under the seal of the said corporation, shall be binding and obligatory upon the same, in like manner and with the like force and effect as upon any private person or persons, if issued by him, her or them, in his, her or their private capacity or capacities, and shall be assignable or negotiable in like manner as if they were so issued by such private person or persons.

X. *And be it further enacted*, That if at any time after the passing of this act, the said president, directors and company should refuse, on demand being made at their banking house during the regular hours of doing business, to redeem in specie or other lawful money of the United States, their said bills, notes, or other evidences of debt issued by the said company, the said president, directors and company shall, on pain of forfeiture of their charter, wholly discontinue and close their said banking operations, either by way of discount or otherwise, until such time as the said president, directors and company shall resume the redemption of their bills, notes, or other evidences of debt, in specie or other lawful money of the United States ; and in case the said president, directors and company shall at any time hereafter offend against either of the provisions of this act, it shall be the duty of the attorney general of this state, by information or otherwise, to prosecute said company for such offence, and on conviction thereof, their charter shall be deemed void.

Bills to be redeemed in specie.

XI. *And be it further enacted*, That it shall be lawful for the directors for the time being, to call and demand of the stockholders respectively, all such sums of money by them subscribed or to be subscribed, at such time and in such proportions as they shall see fit, under pain of forfeiture of their shares, and all previous payments made thereon, to the said company, always however, giving sixty days previous notice of such call and demand, in one or more of the newspapers published as aforesaid.

The directors may call and demand the sums due on shares.

XII. *And be it further enacted*, That it shall be the duty of the directors to make half yearly dividends of so much of the surplus ^{Dividends.} of the said bank, as they or a majority of them shall deem advisable ; and that the said corporation shall not demand any greater interest on a loan or discount for a time not exceeding sixty days, than at the rate of six per centum per annum.

This act not
to be forfeit-
ed by non-
users before
Jan. 1, 1817.

XIII. *And be it further enacted*, That this present act of incorporation shall in no wise be forfeited by any non-user whatsoever, at any time before the first day of January, in the year one thousand eight hundred and seventeen; and it shall on that day be lawful for the stockholders above mentioned, to assemble for the purpose of carrying the same into effect, any want of notice in the manner above prescribed to the contrary in any wise notwithstanding.

Declared a
public act.

XIV. *And be it further enacted*, That this act shall be deemed a public act, and shall be benignly and favorably construed for all the purposes therein expressed and declared in all courts and places whatsoever.

Returns to
be made to
the Legis-
lature if re-
quired.

XV. *And be it further enacted*, That it shall be the duty of the president and cashier of said bank, for the time being, to make a return under oath to the Legislature of this state, once in each year, if required either by the Senate or Assembly; which return shall contain a full and true account of the funds and property of the said bank, the amount of its capital stock subscribed and paid, the amount of the debts due to and from the said bank, the amount of the bills and notes emitted by the said bank in circulation, and the amount of specie in the said bank at the time of making such return: And in case the said president and cashier shall refuse or neglect to make such return as aforesaid, within thirty days after the same shall have been required as aforesaid, the Legislature may at any time thereafter in their discretion dissolve the said incorporation.

CHAP. CLXVIII.

AN ACT to amend an act, entitled "an act to protect the fishing in Hudson river, and to prevent obstructions in the navigation thereof," passed the eleventh day of April, one thousand eight hundred and fifteen.

Passed April 17, 1816.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That all that part of the act, entitled "an act to protect the fishing in Hudson river, and to prevent obstructions in the navigation thereof," passed April eleventh, one thousand eight hundred and fifteen, which may be construed to extend to the waters on the south side, side of Staten island, between the west edge of the channel of the Narrows, commonly called the west bank, and the east side of the Amboy channel, be and the same is hereby repealed.

II. *And be it further enacted*, That no seines shall be drawn in any of the waters around Staten island between twelve o'clock at night of Saturday and twelve o'clock at night of Sunday, during the months of March, April and May; and that no set nets shall be put down, taken up or left down, during the months of March, April and May in each year, between sun-set on Saturday evening and sun-rise on Monday morning; and that the fourth section of the act of which this is amendatory, be and the same is hereby repealed, so far as the same relates to the waters around Staten island.

CHAP. CLXIX.

AN ACT to amend the act, entitled "an act to prohibit the drawing of seines, or of using nets, in any of the creeks falling into Lake Ontario, within the counties of Ontario and Genesee, and for other purposes," passed March twenty-seventh, one thousand eight hundred and nine.

Passed April 17, 1816.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That so much of said act as prohibits the fishing with seines and nets in Oak Orchard creek, in the county of Genesee, and in Lake Ontario near the mouth of said creek, be and the same is hereby repealed: *Provided*, that there shall not be any fike nets, triangles, or any other set nets, or any poles placed for the purpose of attaching standing nets thereto, in any of the aforesaid waters.

CHAP. CLXX.

AN ACT to enclose a certain tract of timber land, in the county of Rockland,

Passed April 17, 1816.

I. BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That from and after the passing of this act, it shall and may be lawful for the owners and possessors of all that tract of timber land, situate, lying and being in Orangetown, in Rockland county, which is generally called the Claasland mountain, to enclose the same, by running a fence, commencing on the north line of the mountain lot of Joseph Blauvelt, at the west side or foot of said mountain, and on the division line between the towns of Clarkstown and Orangetown, thence along said line eastwardly untill it intersects the division line between the patents of Tappan and Nyack: thence southerly along said line, to the south line of a lot of timber land belonging to John Bell, being the same on which he at present resides; thence westerly along said line to the public road; thence along said public road and the western side of said mountain, to the place of beginning; to erect such fences as by the persons herein after mentioned to make the assessment from time to time, may be deemed proper to enclose the same; and that from and after enclosing the same as aforesaid, no person or persons whatsoever, shall be at liberty to drive, or let in, any horses, cattle, sheep or swine, with an intent to run at large in the said tract of mountain land: *Provided*, that nothing in this act contained shall be construed to prevent any person or persons from permitting his, her or their own horses, cattle, sheep or swine, or those of any other person, to run on any part of said tract already enclosed by him, her or them, or which may hereafter be enclosed, so long as the same shall remain enclosed by him, her or them, by a lawful fence.

Certain tract of timber land in Orangetown county to be enclosed.

Boundaries.

Fence to be erected and assessments made on the owners for such purposes.

Cattle, &c. not to run at large, but to be confined to individual enclosures.

All persons permitting their cattle to run at large subject to an action of trespass and treble damages.

II. *And be it further enacted*, That if any person or persons whomsoever, shall drive or let in any horses, cattle, sheep or swine, within the said tract, after it shall have been enclosed as aforesaid, except as is excepted in the first section of this act, with an intent to run at large therein, such person or persons shall be subject to an action of trespass, to be brought in the name of any owner or owners of the said tract, and be liable to pay treble damages, to be assessed by a jury, in any court having cognizance of the cause, and shall also be liable to pay all costs of suit, incurred in the prosecution thereof.

If so found at large, to be driven to the pound, accompanied with an affidavit giving description of the same.

III. *And be it further enacted*, That if any horses, cattle, sheep or swine shall be found running at large, on any part of the tract enclosed as aforesaid, except as excepted in the first section of this act, it shall and may be lawful, for any owner or possessor of any part of said tract, to take and drive the same to any public pound in the town of Orange; and shall, as soon as may be, make an affidavit stating that the same were taken running at large in the said tract; and in such affidavit, shall state a description of the horses, cattle, sheep or swine so taken; which affidavit shall be delivered to the pound-keeper where the same are impounded: and the person impounding the same shall be entitled to receive, for every head so taken and impounded, the sum of twenty-five cents, to be collected by the pound master, from the owner or from the sale of the beasts so impounded, and shall be the amount of damages to be paid on such occasion; and the pound master is directed to receive such beasts, and to proceed in the same manner, after the receipt of the same, as is directed in the twenty-first section of the act relative to the duties and privileges of towns, passed March nineteenth, one thousand eight hundred and three; and he shall be entitled to the same fees, and subject to the same penalties, for the neglect of duty, as are allowed and imposed in and by the said act.

All damages to be apportioned to the repair of fences.

IV. *And be it further enacted*, That all damages recovered by virtue of this act, shall be appropriated and applied from time to time towards making and repairing the fences, deemed necessary to enclose the said tract.

Meetings to be called by notices in 3 public places in Orange

V. *And be it further enacted*, That it shall and may be lawful, immediately after the passing of this act, for any one concerned in the aforesaid tract, to call a meeting of the owners and possessors thereof, by putting up advertisements in three of the most public places in the town of Orange, at least ten days previous to the time of meeting; on which notice being given, the owners and possessors of said tract shall convene at the house where Peter Demarest now lives; which owners or possessors, or such as shall assemble in pursuance of such notice, shall when met proceed to elect, by a plurality of votes, three persons, being owners of some part of said tract, to make and repair the fences necessary to enclose the aforesaid tract, and for the purpose of making assessments, and superintending the expenditure of all monies to be received and paid for the purposes aforesaid; which said persons, so elected, shall continue in office until the first Saturday in April next, when a new election shall take place, on the first Saturday in April in each year afterwards, at such place as shall be agreed upon, by a majority of said owners, assembled at a previous annual meeting.

3 owners to be chosen to repair fences, &c.

Term of their service

VI. *And be it further enacted*, That the persons so elected as aforesaid shall, by virtue of this act, be authorised to make an estimate of the part of the tract benefitted by such enclosure; shall ascertain the number of acres, as accurately as they can, which each individual owns or possesses therein, and which may in their opinion receive benefit from such enclosure, either by an actual survey or otherwise, as shall be agreed on by a majority of the owners or possessors so met, at their first or any subsequent meeting; which estimate, when made, shall be by the persons so elected as aforesaid, fairly entered in a book to be kept for that purpose, in which book shall be entered the names of the persons from time to time elected, to superintend the expenditures of the monies assessed, for making and repairing the fences aforesaid, and other of the proceedings relative to enclosing the said tract; which book shall be kept by the persons elected as aforesaid; and all assessments shall be made according to the first assessment, until the same is altered by a majority of the owners and possessors of the said tract.

*Estimates
to be made.*

VII. *And be it further enacted*, That as soon as any assessment is made, and the sum which each individual has to pay is ascertained, it shall be the duty of the persons elected as aforesaid, to demand from each individual his proportion, either personally, or by leaving a statement of the sum he is to pay, with some white person at his dwelling-house; and on failure of payment thereof for ten days after such demand, it shall be lawful for the said persons elected as aforesaid, to sue for and recover the same, in their own names, from each individual so assessed and notified, together with the costs of prosecuting for the same, before any justice of the peace in the county of Rockland.

*Assessments
to be paid as
apportioned*

*and may be
collected by
suit at law.*

VIII. *And be it further enacted*, That the persons so elected, shall annually account to the owners, for all monies which have come to their hands as aforesaid, and shall pay over the balance remaining in their hands to their successors, together with the book directed to be kept by them, immediately on their going out of office, under the penalty of one hundred dollars, to be sued for and recovered by their successors, with costs of suit, and to be applied by them, when recovered, to the purposes contemplated by this act.

*The persons
elected to
account for
monies, &c.*

Penalty.

CHAP. CLXXI.

AN ACT to authorise the extinguishment of the claims of the St. Regis Indians to lands in this State.

Passed April 17, 1816.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That in case the St. Regis Indians may be desirous of selling the mile square of land reserved by them, at or near the village of French-Mills, in the town of Constable, in the county of Franklin, or any other lands lying within this state, to which the St. Regis Indians have any title or claim, the person administering the government of this state shall be, and he is hereby authorised, to purchase the said land from the said Indians, in behalf

of this state ; and that the treasurer be, and he is hereby authorised, on the warrant of the comptroller, to pay to the order of the Governor, such sum of money to defray the expenses of completing the said purchase, as the Governor may think reasonable to give for the said land.

CHAP. CLXXII.

AN ACT authorising a loan of Money to the county of Niagara.

Passed April 17, 1816.

I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the comptroller shall pay to the order of the treasurer of the county of Niagara, the sum of five thousand dollars, out of any monies not otherwise appropriated, or to be appropriated for public purposes, the present session, either in one or several sums, as the said treasurer shall draw for the same ; and shall charge the same to the county of Niagara, with interest at seven per cent. per annum.

Sum appropriated for public purposes.

II. And be it further enacted, That the said treasurer of the county of Niagara shall pay the said sum of five thousand dollars, and such other or further sum or sums of money, as the supervisors of the county of Niagara have or shall hereafter raise, for the purpose of building the court-house in the village of Buffalo, to the commissioners hereafter named, in such sums as they from time to time shall draw their orders for, which orders shall be signed by a majority of said commissioners.

Court house to be erected

III. And be it further enacted, That Joseph Landon, Samuel Tupper and Jonas Williams, be and they are hereby appointed commissioners, to superintend the building the said court-house ; each of whom shall, before they enter upon the duties enjoined on them by this act, execute to the treasurer of the said county of Niagara, a bond with sufficient sureties to faithfully expend all the monies that shall come into their hands for that purpose, to the building the said court-house.

Commissioners,

to give security.

IV. And be it further enacted, That the supervisors of the said county shall annually, for five years in succession, to commence in the year one thousand eight hundred and seventeen, cause to be levied on the taxable property in the said county, and to be raised and collected in the manner that other taxes are raised and collected, the sum of one thousand dollars over and above all charges of collection, for the purpose of reimbursing to the state the said advance.

Sum to be annually assessed.

CHAP. CLXXIII.

AN ACT, *entitled an act to amend "an act relating to the Salt-Springs, in the county of Onondaga."*

Passed April 17, 1816.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly,* That each and every of the forfeitures in the act, passed the fifteenth of June, one thousand eight hundred and twelve, and hereby amended, which by the thirtieth section thereof are directed to be sued for and recovered by the superintendant, in his official name, may hereafter be sued for and recovered; with costs of suit, before any justice of the peace or court having cognizance of the same, in the name of the people of this state; and the one half of such forfeiture, when recovered, shall be to the use of the said people, and the other half to the use of the person who shall give information to the superintendant of the offence for which such recovery shall be had. Forfeitures how to be recovered.

II. *And be it further enacted,* That process, in all actions brought for such forfeitures as aforesaid, may be served upon the first day of the week, commonly called Sunday, any law to the contrary notwithstanding. Process may be served on Sunday.

III. *And be it further enacted,* That the proviso contained in the seventeenth section of the act hereby amended, be and the same is hereby repealed.

IV. *And be it further enacted,* That the forty-first section of the act, entitled "an act for the payment of certain officers of government and for other purposes," passed the thirteenth of April, one thousand eight hundred and thirteen, so far as it relates to the appointment of deputy-assistant of the superintendant of the Onondaga salt-springs, be and the same is hereby repealed. Part of the act for the payment of officers of government repealed.

CHAP. CLXXIV.

AN ACT *to abolish the circular fences, on three tracts of land, in the town of Kingston, in Ulster county, formerly called the Arma Bowery.*

Passed April 17, 1816.

I. *Be it enacted by the people of the State of New-York, represented in Senate and Assembly,* That from and after the first day of November next, the circular fences around the three tracts of land, situate in the town of Kingston, in Ulster county, known as the Arma Bowery lands, shall be and they are hereby abolished; and all acts in relation to the same, and all town orders made in pursuance of those acts, shall be and they are hereby declared to be repealed on that day: And each proprietor of a lot, within the said circular fences, shall be entitled to the fences which have heretofore been made for the proprietor of such lot.

II. *And be it further enacted,* That from and after that day, the said tracts of land shall be subject to the general laws now in force, in relation to the enclosing of lands within this state.

CHAP. CLXXV.

AN ACT to authorise the purchase of certain Indian improvements, and for other purposes.

Passed April 17, 1816.

Preamble. WHEREAS, by the act, entitled "an act concerning the lands lately purchased from the Christian party of the Oneida Indians," passed April seventeenth, one thousand eight hundred and fifteen, the surveyor-general is prohibited from selling any improved land occupied by any Indian, till he shall have relinquished his improvement to the people of this state, if such improvement shall exceed the value of twenty dollars: Therefore,

Releases how to be obtained. I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That the person administering the government of this state, be and he is hereby authorised to obtain releases from the said Indians, of their respective improvements as aforesaid, and pay for the same such sums of money as shall be reasonable and proper, and that the comptroller draw his warrant on the treasurer, to his order, for the amount.

Surveyor-general authorised to sell certain parts II. *And be it further enacted*, That the surveyor-general shall, in the manner directed by the aforesaid act, sell the lands heretofore purchased from the Oneida Indians, and lying along the west side of the Oneida creek to the southward of the mouth of Mud creek.

Also lot No. 8, in the Oneida reservation. III. *And be it further enacted*, That the commissioners of the land-office be and they are hereby authorised and required, to direct the surveyor-general to sell, at public vendue, and upon the terms prescribed by the fifteenth, sixteenth and seventeenth sections of the act, entitled "an act concerning the commissioners of the land-office, and the sale of the unappropriated lands," lot number eight, of the Oneida reservation, lying in the town of Sullivan, in the county of Madison.

CHAP. CLXXVI.

AN ACT to amend an act, entitled "an act to incorporate the Hempstead Turnpike Company."

Passed April 17, 1816.

WHEREAS the president and directors of the Hempstead turnpike company, have, by their petition, represented to this legislature, that since the passing the act incorporating the said company, gay expensive pleasure waggons have been introduced as substitutes for gigs, coaches and other pleasure carriages, some of which pay twenty-five cents toll; and that the above said pleasure waggons, when drawn by one horse, now pay only four cents, and when drawn by two horses pay only eight cents; and praying that the toll be increased on said pleasure waggons: Therefore,

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the toll on such waggons as are above described, when used exclusively for pleasure on said road, and drawn by one horse, be increased to eight cents, and when

drawn by two horses, be increased to twelve and an half cents, for the whole distance of said road, any thing in the act hereby amended to the contrary notwithstanding.

CHAP. CLXXVII.

AN ACT *exempting certain articles from execution and distress for rent.*

Passed April 17, 1816.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That from and after the first day of May next, no spinning wheels, weaving looms or stoves, placed or put up for use, and kept for use, in any dwelling house, shall be levied upon, taken or sold, by virtue of any execution, nor distrained for rent within this state.

CHAP. CLXXVIII.

AN ACT *relative to the Ulster and Delaware Turnpike Road.*

Passed April 17, 1816.

WHEREAS the president and directors of the Ulster and Delaware turnpike road company, have for many years last past neglected to repair the said road, or the bridges upon the same, whereby the said road and bridges have become ruinous, dangerous, and in some places impassable: *And whereas*, the said president and directors, have for some time ceased to maintain the toll gates upon the said road, the said company having become insolvent, whereby the inhabitants of the several towns of this state, through which the said road passes, have been under the necessity, from time to time, of repairing the same for their own convenience and use, by the voluntary and gratuitous contribution of their labor: Therefore,

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly,* That it shall be the duty of the commissioners of highways, in the respective towns of this state, through which the Ulster and Delaware turnpike road passes (except in the town of Kingston) to divide the said turnpike road into convenient road districts, and to assess such person or persons as reside on the said road, in the same manner as if the same was a public common highway: *Provided nevertheless, and it is hereby further enacted,* That before the commissioners of highways of any town, shall so divide the said road into districts as aforesaid, the assent of the inhabitants of such town, at an annual or special town meeting expressed, shall have been obtained thereto:

And whereas that part of the said Ulster and Delaware turnpike road, which passes through the town of Shandaken, in the county of Ulster, is from the mountainous nature of the country, more entirely ruined and more difficult of repair than most of the other parts of the said road:

Preamble. *And whereas* a considerable section of the inhabitants of said town reside on the said turnpike road, at a distance from any other public highway, upon which they can be conveniently assessed to work - Therefore,

Commissioners to divide the town of Shandaken.

And to assess all persons on such route.

II. Be it further enacted, That it shall be the duty of the commissioners of highways of the said town of Shandaken, forthwith to divide that part of the said turnpike road, which passes through the said town, into convenient road districts, and to assess such person or persons as reside on the said road, in the same manner as if the same was a common public highway, any thing herein before contained to the contrary notwithstanding.

First tolls to be appropriated to the expenses of erecting gates, by the inhabitants.

III. And be it further enacted, That in case the president and directors of the said company, shall at any time hereafter erect or shut any of the toll gates upon the said road, for the purpose of collecting tolls, they shall be liable to pay out of the tolls first collected, at the said gate or gates, to the overseers of the poor of the town or towns through which that part of the said road may pass, for which the tolls shall be so collected as aforesaid, an equivalent for the labor bestowed upon the said road by the inhabitants of the said town or towns, equal to the sum or sums to which the said labor would be estimated, in commutation money authorised by the act to regulate public highways; which sum or sums of money shall be recovered by the said overseers, by an action on the case, upon promises in any court having jurisdiction thereof.

The provisions of this act to take immediate effect.

III. And be it further enacted, That the directions and provisions of this act shall take effect and be obligatory immediately after the passing of the same, any thing in the act to regulate highways, to the contrary notwithstanding.

CHAP. CLXXIX.

AN ACT to alter the name of the town of Hebe, in the county of Genesee, and for other purposes.

Passed April 17, 1816.

I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the first Tuesday of May next, the town of Hebe, in the county of Genesee, shall be called and known by the name of Gainesville.

II. And be it further enacted, That from and after the first Tuesday of April next, all future annual town meetings, to be holden in the town of Bergen, in the county of Genesee, shall be holden on the last Tuesday of February, in every year; and that all business relating to the said town, which would otherwise be transacted on the first Tuesday of April, shall be transacted on the last Tuesday in February, in every year hereafter.

CHAP. CLXXX.

AN ACT to vest certain powers in the Freeholders and Inhabitants of the village of New-Berlin.

Passed April 17, 1816.

I. BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the district of country in the town of New-Berlin, and county of Chenango, comprised in the following bounds, that is to say, within the extreme bounds of lots number seventy-six and seventy-seven, excepting forty-nine and an half acres of land, in the north-west corner of said lot number seventy-six, now in the possession and occupation of Israel Angel, of said town, in township number sixteen, in the said county of Chenango, shall hereafter be known and distinguished by the name of "The village of New-Berlin."

II. And be it further enacted, That the freeholders and inhabitants qualified to vote at the town meetings, who may reside within the aforesaid limits, may, on the second Tuesday of June next, meet at some proper place therein, to be appointed and notified to the inhabitants, by any justice of the peace within the said village, at least one week previous to the said second Tuesday of June, by a written notice, to be put up at three public places in said village, and then and there proceed to elect five freeholders, resident within the said village, to be trustees thereof; who, when chosen, shall possess the powers and rights hereinafter specified: And such justice shall preside at such meeting, and declare the several persons having a majority of votes, as duly chosen trustees; and on every second Tuesday of June, after the first election of trustees, there shall in like manner be a new election of trustees for the said village; and the trustees, for the time being, shall perform the several duties required from the said justice, in respect to notifying the meeting of the freeholders and inhabitants of the village and presiding at such election.

Trustees to be chosen.

III. And be it further enacted, That all the freeholders and inhabitants residing within the aforesaid limits be, and they are hereby ordained, constituted and declared to be, from time to time, and forever hereafter, a body corporate and politic, in fact and in name, by the name of "the Trustees of the village of New-Berlin;" and by that name they and their successors shall and may have perpetual succession, and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, complaints and causes whatsoever; and they and their successors may have a common seal, and may change and alter the same at pleasure; and shall be capable in law, of purchasing, holding and conveying any estate, real or personal, for the public use of said village; and of erecting fire engine house or houses; of raising money by tax for the purchase of fire engines and for erecting fire engine houses, or making any public improvements or necessary repairs; which money so to be raised, shall be assessed upon the freeholders and inhabitants of said village, according to law, by not less than three, nor more than five judicious

Declared to be a body corporate.

assessors, who shall be freeholders in the said village, and shall be chosen by the freeholders and inhabitants of the said village, qualified to vote at town meetings, at their annual meetings, and collected by the collector of the corporation, in like manner as the taxes of towns and counties are collected, by virtue of a warrant to him directed, by a majority of the trustees: *Provided never theless*, That no taxes shall be levied or monies raised, assessed or collected, for erecting such fire engine house or houses, nor such house or houses be erected, without the consent and approbation of the freeholders and the legal voters of the said village, or the major part of them, in open meeting duly notified by the said trustees, by written or printed notices, to be put up in three public places in said village, at least one week previous to such meeting.

Proviso.

To make
by-laws, &c.

IV. *And be it further enacted*, That it shall and may be lawful for the trustees of said village, or the major part of them, and for their successors in office forever, to make, ordain, constitute and publish such prudential by-laws, rules and regulations, as they from time to time shall deem meet and proper, and such in particular as may relate to the public markets within said village; relative to the streets, alleys and highways therein; and draining, filling up, paving, keeping in order and improving the same; relative to the slaughter houses, and nuisances generally; relative to the restraining of geese, swine or cattle of any kind; and relative to erecting and regulating hay scales; and relative to any thing whatsoever, that may concern the public and good government of the said village; but no such by-laws shall extend to the regulating or ascertaining the prices of any commodities, or articles of provision whatsoever that may be offered for sale: *Provided*, that such by-laws be not contrary to, or inconsistent with the laws and statutes of this state, or of the United States: *And provided always*, That any monies to be raised for improving the foot walks or side ways, shall be assessed, levied and collected in a just and equitable manner, of and from the owners and occupants of all the houses and lots adjoining such street or streets, so to be paved or flagged, in proportion, as nearly as may be, to the advantages which each shall be deemed to acquire, respectively; any thing in this act to the contrary notwithstanding.

To impose
fines.

How to be
recovered.

V. *And be it further enacted*, That the said trustees, or the major part of them, as often as they shall make, ordain and publish any such by-laws for the purposes aforesaid, may make, ordain, limit and provide, such reasonable fines, against the offenders of such laws, as they may deem proper, not exceeding twenty-five dollars for any one offence, to be prosecuted and recovered by action of debt, before any justice of the peace, with costs of suit, by the trustees, for the use of said corporation; in which action it shall be sufficient to declare generally, that the defendant or defendants is or are indebted to the trustees of the village of New Berlin, in the amount of the debt, penalty, fine or forfeiture by virtue of this act to be paid to the said trustees for the time being, when thereunto required, and under such declaration to give the special matter in evidence.

Town offi-
cers to be
chosen.

VI. *And be it further enacted*, That the freeholders and inhabitants of the said village of New Berlin, qualified to vote at town meeting, at their annual town meetings, on the second Tuesday of

June, in every year thereafter, to be held for choosing trustees, or any other meeting duly notified, shall be, and they are hereby authorized, by a plurality of votes, to choose not less than three not more than five judicious inhabitants, being freeholders, as assessors; one treasurer, being also a freeholder; one collector, and as many fire wardens as the trustees for the time being, or the major part of them, may order and direct: And in case of vacancy by death removal, refusal or incapacity to serve, of any of the assessors, the treasurer, collector or fire wardens, it shall be the duty of the trustees, or the major part of them, to appoint some suitable person to fill such vacancy; and the person so to be appointed, shall be vested with the like powers, and subject to the same penalties and restrictions, as if elected by the freeholders and inhabitants of the said village as above mentioned.

VII. *And be it further enacted*, That the trustees, treasurer, collector, assessors and fire wardens, shall, within ten days after each and every election, and before they proceed to the exercise of their several offices, respectively take and subscribe an oath or affirmation, before any justice of the peace in the said village or county, for the faithful execution of the trust or office to which they may be severally chosen or appointed. Who shall take certain oaths.

VIII. *And be it further enacted*, That the treasurer and collector, hereafter to be elected, shall before they enter upon the execution of their respective offices, respectively give such security for the faithful performance of the trusts reposed in them, as the major part of the trustees, for the time being, shall deem sufficient. And give security.

IX. *And be it further enacted*, That if any of the inhabitants of said village, qualified as aforesaid, shall hereafter be elected or appointed a trustee, or assessor or fire warden, and having notice thereof, and shall refuse, deny, delay or neglect to take upon him or them to execute such office or trust to which he or they shall be elected, then, and as often as it shall happen, it shall and may be lawful for the said trustees, or the major part of them, to assess and impose upon any such person or persons, so neglecting, delaying or refusing, such reasonable fine or fines, not exceeding twenty-five dollars, as they, the said trustees, or the major part of them, may think fit, to be recovered by action of debt, with costs, in manner herein before directed, for the recovery of penalties or forfeitures, imposed by the laws of the said trustees. Penalty for refusing to serve.

X. *And be it further enacted*, That the trustees, or the major part of them, within ten days after their being elected, in every year hereafter, shall, and it is hereby made their duty, to assemble in some convenient place in said village, and there to choose and appoint some one suitable person of their body, to be president of the said board of trustees, and some proper person to be clerk of the said board; that it shall be the duty of the said president to preside at the meetings of the trustees; to order extraordinary meetings of trustees whenever he may find it for the interest of the village so to do; to receive complaints of the breach of any laws; to see that all the by-laws, rules and ordinances are faithfully executed, and prosecute, in the name of the trustees, all offenders against such by-laws; to receive and lay before the trustees the returns of the fire wardens, and who, with the consent of the major part of the trustees, Trustees to choose a president and clerk.

shall appoint, under his hand and the seal of said village, a company of firemen, not exceeding fifteen in number; to inspect the utensils, belonging to the said village, for extinguishing-fires; and whose duty it shall be more particularly to see the engines and fire utensils, engine houses, and other public property, belonging to the said village, suitably and properly taken care of and kept in order; and to do all other such acts and things which may be proper for him, as president of the board of trustees, to do: And in case of the death, absence or inability, of the president, to discharge the several duties before mentioned, his place shall be supplied in the manner hereafter to be provided by the by-laws of the said corporation.

Collections
to be paid
to the treas-
urer.

XI. *And be it further enacted*, That the collector shall, within such time as shall hereafter be provided for by the by-laws of the said corporation, next after the receipt of his warrant for collecting any tax that may have been ordered to be raised, collect and pay the same to the treasurer; and that all monies, which may at any time be in the hands of the treasurer, shall be liable to be drawn out by the trustees, or the major part of them and applied and disposed of as shall have been directed by the freeholders and inhabitants of said village.

Trustees to
render an
account.

XII. *And be it further enacted*, That the said trustees shall keep a just and accurate account of their necessary expenses and disbursements, and on exhibiting the same to the treasurer, shall be entitled to receive the amount thereof out of any monies in the treasury; and that the treasurer, clerk, collector and assessors shall be paid for their several services such suitable compensation as the said trustees, or a major part of them, by a by-law of the said corporation, shall provide.

Corporation
not to hold
real estate.

XIII. *And be it further enacted*, That it shall not be lawful for the said corporation, to purchase or hold any real estate whatsoever, not lying or being within the limits of the said corporation.

Trustees to
hold their
offices until
2d Tuesday
in June next

XIV. *And be it further enacted*, That the trustees to be elected by virtue of this act, shall hold their respective offices until the second Tuesday of June, next following after their election of trustees as aforesaid, and until a new election for trustees of said village shall be made, pursuant to this act, and until the trustees so last chosen shall take and subscribe the oath or affirmation of the office of trustees.

Firemen to
do militia
duty.

XV. *And be it further enacted*, That the firemen authorised by this act, shall be liable to militia duty, any law to the contrary notwithstanding.

CHAP. CLXXXI.

AN ACT to incorporate the Chenango and Oneida Turnpike Company.

Passed April 17, 1816.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That Noah Goodrich, Elijah Mills, John Miller, Nathaniel Horton, Silas Genoyer, and all such other persons as shall associate for the purpose of making a good and sufficient

turnpike road, to begin at or near Chenango Point, in the county of Broome, from thence the most convenient route to or near to the house of Elijah Miles, in the town of Fabius; thence to the village of Salina, be, and they are hereby created a body politic and corporate, by the name of the President and Directors of the Chenango and Onondaga Turnpike Company; and they are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, and by that name they and their successors shall and may have continual succession, and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of complaints, matters and causes; and by the same name and style shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of the said corporation: *Provided*, that such estate, as well real as personal, so to be purchased and holden, shall be necessary to fulfil the end and intent of such corporation, and for no other purpose whatsoever.

Created
body politic

Provide.

II. *And be it further enacted*, That the stock of said company hereby incorporated, shall consist of two thousand shares, of twenty-five dollars each, and that Elijah Miles, John Miller and John Kingman, be and they are hereby appointed commissioners, to receive subscriptions for the said stock, in the manner directed in and by the act, entitled "an act relative to turnpike companies," passed April 10th, 1813.

Stock.

III. *And be it further enacted*, That the said company hereby incorporated, shall be entitled to ask and receive, at the turnpike gate or gates to be erected on said road, for any number of miles not less than ten in length of the said road, the following sums of money, and so in proportion for any greater or less distance, from all persons travelling or using the same, to wit; For every waggon drawn by two horses, mules or oxen, twelve and a half cents, and three cents for every additional horse mule or ox attached to such waggon; for every cart or other carriage drawn by two horses, oxen or mules, twelve and a half cents, and for every additional horse, ox or mule, three cents; for every horse and rider, four cents; for every horse led, two cents; for every cart or waggon drawn by one horse or mule, six cents; for every chair, sulkey, chaise or other pleasure carriage, with one horse, twelve and a half cents; for every chariot, coach, coachee, phaeton, or other four-wheeled pleasure carriage, twenty-five cents; for every sleigh or sled drawn by two horses, mules or oxen, eight cents, and so in proportion if drawn by a greater or less number of horses, mules or oxen; for every score of horses or cattle, twenty cents, and so in proportion for a greater or less number; for every score of sheep or hogs, eight cents; for every stage waggon drawn by two horses, twelve and a half cents, and three cents for every additional horse attached to such stage waggon.

Rates of toll

IV. *And be it further enacted*, That the said company hereby incorporated, shall have and enjoy all the rights, privileges, powers and immunities, which are given and granted in and by the aforesaid act, entitled "an act relative to turnpike companies," and shall be subject to all the conditions, provisions, restrictions and regulations, contained in the said act.

General act
extended to
this.

Commissioners.

V. *And be it further enacted*, That Marcus Andrus, Jonathan Stanley and Azel St. John, or any two of them, be and they are hereby appointed commissioners to lay out and establish the said road.

CHAP. CLXXXII.

AN ACT to divide the town of Preston, in the county of Chenango.

Passed April 17, 1816.

Town of Macdonough.

I. *Be it enacted by the people of the State of New-York, represented in Senate and Assembly*, That from and after the passing of this act, all that part of the town of Preston, in the county of Chenango, comprised and known by the name of the thirteenth township, shall be and hereby is erected into a separate town, by the name of Macdonough; and the first town meeting in the said town of Macdonough shall be held at the dwelling-house of Sylvanus Moor, in said town; and all the remaining part of the town of Preston shall be and remain a separate town, by the name of Preston; and the next annual town meeting in said town of Preston shall be held at the school-house near William Palmer's, in said town.

Privileges.

II. *And be it further enacted*, That the said towns of Macdonough and Preston, and the officers by them to be elected, shall be entitled to all the privileges and subject to the same penalties that the other towns in this state are by law entitled and subject to.

Poor money and poor to be divided.

III. *And be it further enacted*, That as soon as may be after the first Tuesday of April next, the supervisors and overseers of the poor of the said towns of Macdonough and Preston, on notice being first given by the said supervisors for that purpose, shall meet together, and divide the money and poor belonging to the town of Preston previous to the division thereof, agreeable to the last state tax list, and that each of the said towns shall forever thereafter respectively support their own poor.

CHAP. CLXXXIII.

AN ACT to appoint Commissioners to lay out a certain Road leading from the house of Anson Ives, in the town of Salisbury, Montgomery county, to Rome, in Oneida county.

Passed April 17, 1816.

Commissioners.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That Joshua Hathaway, of Rome, Christopher Hawkins of Newport, and Andrew A. Bartow, be and they are hereby appointed commissioners, with full power to lay out a public road, four rods wide, in as direct route as the country will admit; beginning at or near the house of Anson Ives, in the town of Salisbury, in the county of Montgomery, and running from thence on the nearest and best course to or near the college in the town of Fairfield, Herkimer county; from thence on the nearest and best

Roads.

route to the village of Newport; from thence on the best and most practicable route to Olmstead's tavern, in the town of Floyd, in the county of Oneida, and from thence on the best and most practicable route to the village of Rome; and it shall be the duty of the said commissioners to pursue the old roads in all cases, unless there would be a manifest inconvenience to the public.

II. *And be it further enacted*, That before either of the said commissioners enters upon the duties of his said office, he shall take and subscribe an oath or affirmation before a justice of the peace, that he will act without favor or partiality in laying out said road. To take an oath.

III. *And be it further enacted*, That if any part of the said road shall run through enclosed or improved lands, the damages shall be appraised as directed in and by the fifteenth section of the act, entitled "an act to regulate highways;" and the said damages shall be paid in manner prescribed by the act aforesaid; and the said road shall be opened and kept in repair according to the provisions of the said act. Damages, how to be appraised & awarded.

IV. *And be it further enacted*, That the said commissioners shall cause to be made an accurate map of the survey of said road, and shall file in the clerk's office of each town through which the said road shall be laid, a copy of the map and field notes of such parts of the said road as shall be laid in such town; and each of the said commissioners and their surveyors shall be allowed two dollars and fifty cents per day, for every day by them necessarily employed in the duties aforesaid, to be paid as a part of the contingent expenses of each county through which the road shall be laid. Maps to be made & filed
Compensation to surveyors.

CHAP. CLXXXIV.

AN ACT for extinguishing fires in the village of Hempstead, in Queen's county, and for other purposes.

Passed April 17, 1816.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for the proprietors of a fire engine, purchased by sundry inhabitants of the village of Hempstead, on the first Monday in May in every year, to choose not less than three nor more than five trustees, to be called the fire company of the village of Hempstead. Fire company to be nominated by trustees.

II. *And be it further enacted*, That the trustees so to be chosen as aforesaid, or a major part of them, shall have full power and authority to nominate and appoint a sufficient number of firemen (willing to accept) not exceeding thirteen, to have the care, management, working and using the said fire engine and other tools and implements to be provided for the extinguishing of fires within the said village; which persons so to be nominated and appointed as aforesaid, shall be called the firemen of the village of Hempstead; who are hereby required to be ready at all fires, as well by night as by day, to manage, work and use the said fire engine and other tools and implements aforesaid. who shall appoint firemen.

III. *And be it further enacted*, That each of the persons so to be nominated and appointed, shall, during his continuation in office, be exempt from military duty, except in time of invasion or other Such persons to be exempt from military duty.

By-law.

imminent danger: *And further*, that the said trustees, or a major part of them, shall have power from time to time to remove any firemen so to be appointed, and others to appoint in the room or stead of those so removed, when and as often as they shall think proper: *And further*, that it shall be lawful for the said trustees or a major part of them to make, establish and ordain such rules and regulations for the government of the persons so to be appointed firemen, for the purpose of using, trying and working the said fire engine, tools and implements, and to impose on them such reasonable fines and penalties, not exceeding five dollars for any one offence, upon such firemen, or any of them, in not performing the duties hereby to be enjoined or required from them as they from time to time may think proper.

Fines, how to be appropriated.

IV. *And be it further enacted*, That all fines incurred by virtue of this act, shall and may be recovered by any one of the trustees aforesaid, in his own name, before any justice of the peace in the said county, with costs of suit, to be reported to the said board of trustees, and appropriated by a majority of them for the purpose of procuring and keeping in repair the fire engine and other implements necessary for the extinguishing of fires in the said village of Hempstead.

Clerk to be appointed.

V. *And be it further enacted*, That it shall and may be lawful for the said trustees, from time to time to appoint a clerk, who shall enter in a book to be kept for the purpose, the names of the proprietors of the said fire engine, and the names of the said trustees, so from time to time to be chosen, and the names of the firemen to be by them from time to time appointed or removed, together with such rules and regulations as shall from time to time be made for the government of the persons so to be appointed firemen, which entries may be given in evidence in any trial for the recovery of any penalty which may be incurred by virtue of this act.

Preamble

Whereas, doubts have arisen on the construction of the act, entitled "an act to vest further powers in the trustees of the village of Newburgh," passed 7th April, 1815: Therefore,

Licences, by whom to be granted.

VI. *Be it further enacted and declared*, That the second section of said act shall not be construed to authorise the said trustees to grant licences to tavern keepers, nor grocers, to sell under five gallons not to be drunk in their houses, which powers shall continue in the commissioners of excise of the town of Newburgh, in the same manner as before the passage of said act: but that the same shall be construed to authorise the said trustees to license grocers to sell by retail, strong and spiritous liquors only to be drank in their store or house.

CHAP. CLXXXV.

AN ACT to incorporate the Junius and Hector Turnpike Road Company.

Passed April 17, 1816.

I. BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That Wilhelmus Mynderse, Silas Allen, David Burroughs, Jehiel H. Halsey, James Van Horne,

John De Mott, Richard Smith, Daniel M. Booth, and all such other persons as shall associate for the purpose of making a good and sufficient turnpike road, to begin at the bridge over the Seneca river, near Wilhelmus Mynderse's mills in the town of Junius, from thence the most direct and eligible route to or near the court-house in the town of Ovid, thence southerly, on the most direct and eligible route, to intersect the turnpike road leading from Ithica to the head of Seneca Lake, at a point not further from the head of Seneca Lake than the mills of Alimans and Booth, in the town of Hector, be and they are hereby created a body corporate and politic, by the name of the "President and Directors and Company of the Junius and Hector Turnpike Road Company," and by that name they and their successors shall have perpetual succession, and shall be, and are hereby made capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places whatsoever and shall make and use a common seal, and may alter the same at pleasure, and they are hereby made capable in law of purchasing and holding any estate real or personal, for the benefit of said company: *Provided*, such real estate shall not exceed the amount of six thousand dollars.

II. *And be it further enacted*, That the stock of the said company hereby incorporated, shall consist of two thousand four hundred shares of twenty-five dollars each; and that Wilhelmus Mynderse, Silas Allen, David Burroughs, Jehiel H. Halsey, James Van Horne, John De Mott, Richard Smith and Daniel M. Booth, be, and they are hereby appointed commissioners to receive subscriptions for said stock, in the manner described in and by the act entitled "an act relative to turnpike companies," passed April 10th 1813.

III. *And be it further enacted*, That the said company hereby incorporated, shall be entitled to exact and receive of and from every person travelling on or using said road, at the gates or turnpikes to be erected thereon, for any number of miles not less than ten, the following sums of money, and so in proportion for a greater or less distance: for every cart, waggon or other wheeled carriage, drawn by two horses, mules or oxen, twelve and an half cents; for every additional horse, ox or mule, three cents; for every coach, coachee, phaeton or curricie, with two horses, twenty-five cents; for every additional horse, three cents; for every sulkey, chair, chaise or other one horse pleasure carriage, twelve and an half cents; for every one horse waggon, six cents; for every horse, rode, led or driven, four cents; for every sleigh or sled drawn by two horses, mules or oxen, six cents, and for every other additional horse, mule or ox, two cents; for every sleigh or sled drawn by one horse, mule or ox, four cents; for every score of horses, mules or cattle twenty cents, and in like proportion for a greater or less number; for every score of sheep or hogs eight cents, and in like proportion for a greater or less number.

IV. *And be it further enacted*, That Philetus Swift, Henry Bloom and Harry Smith be a committee to survey and lay out said road according to their best judgment and understanding, for the benefit of the public, without favor or partiality.

LAWS OF NEW-YORK.

V. And be it further enacted, That the corporation hereby created shall have and enjoy all the rights and privileges, powers and immunities, which are given and granted in and by the aforesaid act, entitled "an act relative to turnpike companies," and shall be subject to all the conditions, provisions, restrictions and regulations contained in the said act, except so far as is otherwise herein provided and enacted.

CHAP. CLXXXVI.

AN ACT to prevent the taking of fish by means of torch lights in certain waters therein mentioned.

Passed April 17, 1816.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That from and after the first day of May next, it shall not be lawful for any one or more persons to take fish of any description, by means of torch lights, in any brook, stream or water running through or lying within the improved lands of any other person or persons, situate in the town of Claverack, in the county of Columbia, unless he, she or they shall previously thereto have received permission in writing from such owner or owners, so to do, on pain of forfeiting to the owner or owners of such improved lands, for each and every offence, the sum of ten dollars, to be recovered in an action of debt in any court within this state having cognizance thereof.

CHAP. LXXXVII.

AN ACT to incorporate the Oswego Bridge Company.

Passed April 17, 1816.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That Nathan Sage, Alvin Bronson, and their associates, be and they are hereby created a body corporate and politic, in fact and in name, by the name of the "Oswego Bridge Company," and by that name they and their successors shall and may, until the first day of May, in the year of our Lord one thousand eight hundred and forty-nine, be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever; and that they may have and use a common seal, and may alter and change the same at pleasure; and may purchase, hold and convey any real and personal estate, which may be necessary for the purposes of this incorporation, and for no other use or purpose whatever.

II. And be it further enacted, That the stock, property, affairs and concerns of the said corporation, shall be managed and directed by seven directors, who shall be stockholders, and shall, together

with a treasurer, be annually chosen and elected on the first Tuesday in May, at such place in the village of Oswego, as the directors for the time being shall appoint, of which public notice shall be given at least thirty days previous to the said election; and the said election shall be held and made by such of the stockholders as shall attend for that purpose, either in person or by proxy, which proxies shall always be stockholders, and all such elections shall be by ballot; and such directors and treasurer shall hold their respective offices for the term of one year, and until others shall be elected in their stead: And that Nathan Sage, Alvin Bronson, Matthew M'Nair, Edmund Hawkes, Peter D. Hugunin, Bradner Burt and Theophilus S. Morgan, shall be the first directors, and William Dolloway the first treasurer of the said corporation, and shall hold their offices until the first Tuesday in May, one thousand eight hundred and seventeen, and until others shall be elected in their stead.

III. *And be it further enacted*, That the said directors shall, as soon as may be after their election or appointment, choose one of their own number for president; and the said directors shall have power to make such by laws, rules, orders and regulations, not inconsistent with the constitution and laws of this state, or of the United States, as shall be necessary for the management and well ordering the affairs of the said corporation; to call special meetings of the stockholders, to appoint and employ such agents, clerks, superintendants, toll gatherers, workmen and other persons, as shall be necessary for executing the business of said corporation; to require and receive from the treasurer and other persons in their employ, bonds with sufficient sureties for the faithful discharge of their trust: And if at any time the treasurer or either of the said directors shall die, resign, remove from the state, or cease to be a stockholder, his place shall be filled for the remainder of the year by such person as the directors or a majority of them shall appoint.

IV. *And be it further enacted*, That the capital stock of the said company shall not exceed twenty thousand dollars; and that a share in the said stock shall be one hundred dollars; and that each stockholder shall be entitled to a number of votes equal to the number of shares he shall have or hold in his own name; and that it shall and may be lawful for the said directors from time to time to call for and demand from the stockholders respectively, such parts of the said sum of one hundred dollars upon each of the shares held by them respectively, as to the said directors may appear proper, and upon refusal or neglect to make such payments, or any of them, to cause such shares and all payments previously made thereon to be forfeited to the said corporation.

V. *Be it further enacted*, That it shall and may be lawful for the said corporation to erect a bridge, not less than twenty-two feet in width, over the Oswego river, between the villages of West and East Oswego, at such place in Cancer or Leo street, as shall be designated and determined on by Parley Keyes, Ethel Bronson and Stephen Bates (or any two of them) who are hereby appointed commissioners for that purpose; and that whenever the judges of the court of common pleas, in and for the county of Oswego, or any two of them not interested therein, shall certify under their hands that the said bridge is well and sufficiently constructed and built, according to the true

Tolls.

intent and meaning of this act, it shall and may be lawful for the president and directors to erect a gate at either end of the said bridge, and to demand and receive for the use of the said corporation, the tolls following, to wit: For every four wheel pleasure carriage, hung on springs, drawn by two horses, thirty seven and an half cents, and every additional horse, six cents; every two wheel pleasure carriage, drawn by one horse, twenty-five cents; every waggon, cart or sleigh, drawn by two horses, oxen or mules, twenty-five cents, each additional horse, ox or mule, six cents; every one horse waggon or sleigh, eighteen cents; every man and horse, twelve and an half cents; every foot passenger, three cents; every horse or mule, led or drove, six cents; every cow or other neat cattle, four cents; every sheep, hog or calf, one cent; and it shall be lawful for any toll gatherer appointed by the said directors, to stop and detain every person with their team, horses, cattle or any thing which is liable to toll, until they shall have respectively paid the toll herein allowed to be collected: *Provided nevertheless*, that all persons going to or from public worship, or to or from a funeral, or to or from a legal parade of militia, being liable to do or perform military duty; or going to or from any court of justice, having been regularly summoned or subpoenaed as jurors or witnesses, shall be exempt from any toll: *Provided further*, that the company hereby incorporated, before they shall be entitled to receive any toll, shall pay to Joel Burt such sum as the commissioners herein before appointed shall determine for his right to the ferry across said river, as granted by an act of the Legislature of this state, passed April 8th, 1808: *Provided*, that it shall be in the power of the Legislature to reduce the amount of toll above allowed, at any time after ten years from the passing of this act, if they shall deem the same toll unreasonable.

Power of toll gatherers.

Exceptions from toll.

Joel Burt to be paid for his right to the ferry.

No bridge or ferry to be kept within 2 miles.

Penalty for injuring the bridge,

or refusing to pay toll.

Bridge to be built within 3 years.

VI. *And be it further enacted*, That it shall not be lawful for any person or persons to erect a bridge or establish a ferry across the said river, within two miles from the place where the said bridge shall be erected and built and whilst the same shall be kept in repair by the said company, during the continuance of the corporation hereby created.

VII. *And be it further enacted*, That if any person or persons shall wilfully do, or cause to be done, any illegal act, whatsoever, whereby the said bridge or any thing appertaining to the same, shall be impaired, weakened or injured, every person so offending shall forfeit and pay to the said company treble the amount of damage sustained by means of such offence or injury: And if any person or persons shall forcibly pass the gate to be erected on said bridge, in pursuance of this act, without having paid the legal toll, or shall ride or drive any horse or team on the said bridge faster than on a walk, such person or persons shall forfeit and pay a fine not exceeding ten dollars nor less than one dollar; and all such fines and forfeitures shall be recovered by said company, with costs of suit, in action of debt, in the name of the treasurer of the corporation, and to their use, in any court having cognizance thereof, which action shall in every instance be considered transitory in its nature.

VIII. *And be it further enacted*, That if the said bridge shall not be erected, built and completed within three years from the pas-

ing of this act; or if after the same shall have been completed it shall at any time be impassable for want of sufficient repairs, for the term of sixty days, or if the said bridge shall be carried away by ice, or otherwise destroyed, and shall not be rebuilt within two years, then and in either of those cases, the corporation created by this act shall be adjudged and considered to be dissolved to every intent and purpose, except for the purpose of answering and defending any suit or suits to be commenced against them.

IX. *And be it further enacted*, That it shall be the duty of the said corporation to cause to be affixed in a conspicuous place, over the said gate, a printed list of the rates of toll, and if any toll gatherer shall demand and receive more toll than is by this act allowed to be taken, or shall unreasonably hinder or detain any traveller, he shall, for every such offence, forfeit and pay a sum not exceeding ten dollars, to be sued for and recovered, before any justice of the peace of the county wherein such offence shall have been committed, for the use of the person or persons so unlawfully defrauded, hindered or detained. Penalty for taking excessive toll.

X. *And be it further enacted*, That the said directors hereby named and appointed, shall and may cause books to be opened, for the reception of subscriptions to the stock of the said company, and may make such regulations concerning such subscriptions as to them shall seem expedient. Directors to open books for subscriptions.

XI. *And be it further enacted*, That this act be, and the same is hereby declared to be a public act, and shall be construed favorably for every beneficial purpose therein mentioned.

CHAP. CLXXXVIII.

AN ACT to incorporate the village of Geneva, in the county of Ontario.

Passed April 17, 1816.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That the freeholders and inhabitants, qualified to vote for members of assembly, resident within a tract of country, at the foot of the Seneca lake, composing a square, included within lines, at right angles with each other, the east boundary of which said square shall be the new pre-emption line, and the west boundary of which shall be the west line of the eight acre lots of the village of Geneva, and the north boundary thereof, shall be one mile north of the centre of the public square in said village, and the south boundary thereof, shall be one mile south of the centre of said public square, shall be a corporation by the name and style of the "Trustees of the village of Geneva," and by that name they and their successors shall be known in law; shall be capable of suing and being sued, and of defending and being defended, in all courts and places whatsoever, and in all manner of action and actions and cause and causes of action, and that they and their successors may have a common seal, and may alter the same at pleasure, and shall be in law capable of purchasing, holding and conveying any estate, real or Style, &c.

Powers of
the trustees.

personal, for the use of the said corporation; and of erecting one or more fire engine house or houses, and a market house, and such other public buildings, as may be necessary for the said corporation; of raising money by tax for erecting such fire engine house or houses, market house and other public buildings; and for the purchase of one or more fire engine or engines, and all implements or tools appertaining thereto and for keeping the same in repair, and of raising money by tax for defraying the incidental expenses of carrying the several by-laws and regulations which may be made under this law, into effect; which money so to be raised, shall be assessed upon the freeholders and inhabitants of said village in proportion to their property, real and personal, within said village, by the assessors thereof, and collected by the collector of said village in the same manner as the taxes of the county of Ontario are collected, by virtue of a warrant to him directed, signed by a majority of the trustees of said village, and by him paid into the hands of the treasurer thereof; *Provided*, that no tax shall be levied or money raised, assessed or collected, for erecting public buildings, or for defraying any incidental expenses of said village, nor any purchase or sale of any personal or real estate be made, nor any fire engine house or houses, market house or other public buildings be erected or disposed of, without the consent of the freeholders and inhabitants assembled, qualified to vote for members of assembly, or a majority of them, to be given at a public meeting duly notified as hereafter mentioned: *Provided*, that such real estate which the said corporation may lawfully hold, over and above what may be necessary for streets, roads and public places, and for the accommodation and use of the public buildings, shall not at any time within ten years from the passing of this act, exceed the annual value or income of two thousand dollars, nor at any time thereafter the yearly value of five thousand dollars.

Proviso.

Officers, how
to be elected

II. *And be it further enacted*, That on the first Monday in May, the freeholders and inhabitants of said village, who are qualified to vote as aforesaid, shall assemble in said village, at such time of the day and at such place therein as the trustees or a majority of them shall from time to time appoint for that purpose, and notified in the same manner as is herein after provided for calling special meetings, and then and there, by a plurality of votes of those attending said meeting, to choose by ballot five trustees, three assessors, one treasurer, one clerk and one collector, being freeholders and inhabitants of said village: and also to choose as aforesaid, one constable, three fire wardens, one pound-keeper, and one overseer of highways for the road district within said village, being inhabitants of said village; at which first election, the present trustees elected by virtue of an act, entitled "an act for the incorporation of the village of Geneva, in the county of Ontario," passed June 8, 1812, or a majority of them, shall preside as inspectors of said election, and shall canvas the ballots given at said election, declare the several officers who may be chosen, and decide on the qualification of electors; and in order to determine the qualifications of any person offering himself as an elector, may examine him on oath, to be administered by any one of the trustees; and the trustees to be elected by virtue of this act, or a majority of them, and their successors in office, shall preside at all future elections and public meetings of said freeholders and inhabit-

ments in said village, and shall have the like powers and authority, and perform the same duties, as are above mentioned; and at all such elections, the said trustees shall provide and keep poll lists, wherein shall be entered the names of those who shall vote at any such election; and in case of the death or absence of the said trustees or a major part of them, or the inability of one or more of them to attend at such election, the freeholders and inhabitants of said village, so assembled, shall choose some other suitable person or persons to preside at such election in their stead; and the said trustees, assessors, treasurer, clerk, collector, constable, fire wardens, overseer of highways and pound-keeper, so elected, shall remain in office one year, and until others shall be appointed and qualified in their stead; and the said treasurer, collector and constable shall, before they enter on the duties of their said offices respectively, execute to the trustees of said village, for the use of the freeholders and inhabitants thereof, a bond with sufficient sureties, to be approved of by said trustees or a majority of them, in such sum as the said trustees or a majority of them shall deem requisite, conditioned for the due execution of the duties of their respective offices and the faithful discharge of the trust reposed in them respectively; and it shall be the duty of the said clerk to attend all meetings of the freeholders and inhabitants of the said village, and all meetings of the trustees thereof, and keep minutes of the proceedings of said meetings, and from time to time to record the same in a book or books to be provided for that purpose by said trustees, which said books shall remain in the hands of the said clerk, and at all proper times open for the inspection of the freeholders and inhabitants of said village; and the several officers above mentioned, to be chosen by virtue of this act, shall, within six days after their election, severally take and subscribe an oath or affirmation, before one of the justices of the peace in and for the county of Ontario, for the faithful and impartial discharge of the several duties appertaining to the offices to which they shall be severally elected; which oaths or affirmations, after being so taken and subscribed, shall be certified by the justice before whom the same shall have been taken, and filed in the office of the clerk of said village.

Term of office.

Sureties required.

Clerk's duties.

Oath to be taken by the officers.

III. *And be it further enacted*, That it shall be lawful for the trustees of the said village and their successors in office, or a majority of them, from time to time, to make, ordain, publish and establish such prudential rules, regulations and by-laws, as they shall deem necessary, relative to the assize of bread, and to public markets within said village, and to draining, filling up, keeping in order and improving the streets, alleys and highways within said village; relative to slaughter houses and nuisances generally; relative to the establishing, regulating and ordering their fire companies, and ordering or procuring fire buckets and fire utensils, and for guarding against fire generally; relative to taverns, gin shops and huckster's shops in said village; relative to the restraining of dogs, swine, geese, goats, sheep, horses, and other cattle of any kind owned or found running at large in said village; relative to night watches and lighting the streets of said village; relative to the better improving of the common lands and real estate of said corporation; relative to the establishment, procuring and keeping a common pound in said vil-

Trustees to make laws.

Proviso. lage, and relative to any thing whatsoever that may concern the police and good government of said village: *Provided always*, that such rules, regulations and by-laws shall not be inconsistent with the constitution or laws of this state or of the United States: And the said trustees, whenever and as often as they shall make and publish any such by-laws, rules or regulations for any of the purposes aforesaid, may provide and annex thereto such reasonable fines and penalties, to be inflicted on the offenders against any such by-laws, as they shall think proper, not exceeding twenty dollars for any one offence, to be prosecuted for and recovered before any justice of the peace in the county of Ontario, or any court having cognizance of the same, in the name of "the trustees of the village of Geneva;" which fines and penalties, so to be collected, shall be paid into the treasury of said village, for the use of the freeholders and inhabitants thereof; and in any action to be commenced for the recovery of any such fines or penalties, it shall be lawful for said trustees to declare generally, in debt for such fine or penalty, and on the trial thereof to give the special matter in evidence; and on the trial of any action or actions, wherein the trustees shall be either plaintiffs or defendants, the inhabitants of said village are hereby declared to be competent witnesses for or against the said trustees.

Penalties. Inhabitants may be witnesses.

Accounts to be kept. IV. *And be it further enacted*, That each of the trustees of said village, shall severally keep a just and true account of all monies by him received or paid out, for or on account of the said corporation, and his necessary expenditures; and the said trustees, or a majority of them, are authorised, as often as may be necessary, to examine, correct and audit the same, and draw their order on the treasurer for such sum as may be found due to such trustee; and it shall be the duty of said treasurer, on the production of any order from the said trustees, to pay the same out of any monies unappropriated in the treasury at the time of receiving any such order.

Treasurer to pay money on order.

Assessments & collection V. *And be it further enacted*, That the said freeholders and inhabitants, at their annual meetings to be holden as aforesaid, and at such special meetings as the said trustees or a majority of them may from time to time deem necessary to call, by giving notice thereof in a public newspaper printed in said village, if any such there should be, and by fixing a copy of such notice on the outer door of every tavern in said village for at least three days previous to such meeting, are hereby authorised and empowered, to order the raising of any sum of money, not exceeding the sum of one thousand dollars in any one year, for the use of the said corporation; which money, so to be raised, shall be assessed, collected and paid into the hands of the said treasurer, in the manner prescribed in the first section of this act, to be applied and expended from time to time, in such manner and for such purposes, as the said trustees or a majority of them shall direct and appoint, for the benefit of the said corporation; but no monies shall be raised in said village, nor any public buildings erected or disposed of, nor any freehold estate purchased or disposed of, without the consent of the freeholders and inhabitants of said village in public meeting assembled, or a majority of them assembled as aforesaid.

Powers of constables. VI. *And be it further enacted*, That the constables hereafter to be chosen in said village, by virtue of this act, are hereby invested

with the same powers and authority, and subjected to the same duties in all cases, civil and criminal, within said village, as by law appertain or belong to the constables chosen at the annual town-meetings of the town of Seneca, and further, that it shall be their duty to give notice to the said trustees, of all such breaches or violations of any of the ordinances or by-laws of said village, as shall come to their knowledge; and the pound-keepers and overseers of highways hereafter to be chosen, in and for said village, shall have the same powers and authority, and be subject to the same duties within said village, as by law appertain to the pound-keepers and overseers of highways chosen for the said town of Seneca.

VII. *And be it further enacted*, That it shall at all times be lawful for the said trustees, or a majority of them, to appoint any number of firemen, being inhabitants of said village, not exceeding eighteen in number for each fire engine kept fit for use in said village, and the whole or any part thereof to remove at their pleasure, and to appoint others in their stead. Firemen.

VIII. *And be it further enacted*, That it shall not be lawful for the treasurer to pay any money out of the treasury of said village, except on the order of the said trustees, or a majority of them; and it shall be the duty of the said treasurer, annually, at the time and place for holding meetings for the election of officers of the said village, to exhibit an account of all monies by him received and paid out during the preceding year, which account shall be examined and audited by the said trustees: Treasurer annually to account.

IX. *And be it further enacted*, That the trustees of said village shall annually, at the time and place of holding meetings for the election of officers of said village, exhibit an account of all monies by them received or drawn from the treasury, and also all monies by them paid, laid out and expended, for the use and benefit of said village, during the preceding year, specifying the objects and purposes severally, for which the same was paid, laid out and expended. Trustees to account annually.

X. *And be it further enacted*. That if any person who shall be hereafter elected a trustee of said village by virtue of this act, shall refuse or neglect to take the necessary oath or affirmation, and to take upon himself the duties appertaining to the said office of trustee, he shall forfeit and pay the sum of ten dollars, to be prosecuted for, recovered and applied, in the manner prescribed by this act for the collection of fines and penalties for breaches of the by-laws of said village; and in case any person shall be elected to the office of assessor, treasurer, clerk, fire warden, overseer of highways or pound-keeper, in and for said village, and shall refuse to take the necessary oath or affirmation, or to take upon himself the duties appertaining to the office to which he shall have been so elected, he shall forfeit and pay such fine or penalty as shall be imposed on him by the trustees of said village, or a majority of them, not exceeding the sum of five dollars, to be prosecuted for, recovered and applied as aforesaid; and the said trustees or a majority of them, may from time to time fill all vacancies which may happen, in consequence of the death or removal of any officer of said village, or their inability or refusal to serve. Penalty on officers who refuse to be qualified.

Vacancies may be filled.

Firemen not
exempt from
militia duty

XI. *And be it further enacted*, That the firemen authorized to be raised by this act, shall be liable to militia duty, any law to the contrary notwithstanding.

Old laws
repealed.

XII. *And be it further enacted*, That all laws heretofore passed for the incorporation of the village of Geneva, in the county of Ontario, be and the same are hereby repealed.

CHAP. CLXXXIX.

AN ACT to amend an act, entitled "*an act appointing commissioners to lay out the road therein mentioned, within the counties of Oneida and Jefferson.*"

Passed April 17, 1816.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That there shall be assessed, paid and collected, in the manner directed by the fifth section of the act hereby amended, for the purpose of opening and making the road mentioned in the first section of the said act, on every acre of land lying within one mile of the said road, the like sums as in and by the said act is directed to be assessed, paid and collected on every acre of non-resident land lying within one mile of the said road, any thing in the said fifth section of the said act to the contrary notwithstanding.

CHAP. CXC.

AN ACT for the relief of James M'Cormick.

Passed April 17, 1816.

WHEREAS James M'Cormick, by his petition presented to the Legislature, hath represented, that on the fourth day of November, in the year of our Lord one thousand seven hundred and ninety-five, Charles Williamson, Esquire, did by a warrantee deed, convey unto John O'Neal, his heirs and assigns, thirty acres of land in the county of Ontario, near Geneva, between the old and new pre-emption lines; that the said John O'Neal afterwards sold and conveyed four acres of the said land, and soon after died without leaving any heirs; that afterwards the said petitioner intermarried with the widow and relict of the said John O'Neal, and went immediately thereupon into the possession of twenty-six acres of land, being the residue of the said thirty acres, so as aforesaid sold to the said John O'Neal; after deducting the four acres abovementioned, that the said twenty-six acres derive their chief value from the labor and improvements made thereon, by the petitioner aforesaid; and that without legislative interposition, the said twenty-six acres will escheat to this state.

And whereas the said James M'Cormick hath prayed, that all the right, title and interest of the people of this state, to the said twenty-six acres, may be vested in him, which prayer being reasonable: Therefore,

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That all the right, title and interest of the people of this state, to twenty-six acres of land, now in the possession of James M'Cormick, lying in the county of Ontario, near Geneva, between the old and new pre-emption lines; and being part of thirty acres of land, conveyed by Charles Williamson, Esquire, to John O'Neal by deed, dated the fourth day of November, one thousand seven hundred and ninety-five, be and the same is hereby vested in the said James M'Cormick, his heirs and assigns forever.

CHAP. CXCI.

AN ACT to incorporate the Nelson Turnpike Company.

Passed April 17, 1846.

I. BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That Edward Hudson, junior, E. Hudson Joseph Sims, Samuel Stow, Noble S. Johnson, and all such persons as shall associate for the purpose of making a good and sufficient turnpike road, to commence at the Hamilton and Skeneateles turnpike, near the west line of the town of Eaton, and running from thence in the most convenient route, in a north-western direction, to intersect the third great western turnpike about one mile east of the corporate limits of the village of Cazenovia, and their successors, be and they are hereby created a body corporate and politic, by the name of the "President and Directors and Company of the Nelson Turnpike Company," in fact and in name, and by that name they and their successors shall and may have continuance, succession, and be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all actions and complaints, matters and causes, and by the same name and style shall be in law capable of holding and conveying any estate, real and personal, for the use of said corporation: *Provided*, that such estate, as well real as personal, so to be purchased and held, shall be necessary to fulfil the end and intent of the said corporation, and to no other purpose whatever.

II. And be it further enacted, That the stock of said company Stock, &c; hereby incorporated, shall consist of five hundred shares, of twenty dollars each; and that Joseph Sims, Edward Hudson, junior, and Samuel Stow, be and they are hereby appointed commissioners to receive subscriptions for the said stock, in the manner directed by the act, entitled "an act relative to turnpike companies," passed the 13th day of March, 1807.

III. And be it further enacted, That the said company shall be entitled to erect one gate in the town of Nelson, on said road, and One gate that they shall be entitled to exact and receive at the said gate, the following sums of money from all persons travelling or using the road; for every waggon or cart drawn by two horses, oxen or mules, twelve and an half cents, and three cents for every additional horse, mule or ox attached to such cart or carriage; for every cart or other

Tolls.

carriage drawn by one horse, mule or ox, six cents; for every horse and rider, four cents; for every horse led or driven, three cents; for every stage waggon, chariot, coach or coachee, phaeton, or other pleasure carriage with springs, drawn by two horses attached to such carriage, twenty-five cents; and for every other chaise, chair, sulkey or other pleasure carriage drawn by one horse, twelve and an half cents, and in like proportion for every additional horse; for every sled or sleigh drawn by two horses, mules or oxen, six cents, and for every additional horse, ox or mule, three cents; for every sled or sleigh drawn by one horse, mule or ox, four cents; for every score of cattle, horses or mules, twenty cents; and for every score of hogs or sheep, ten cents, and so in proportion for a greater or less number.

5 directors
to be chosen
—3 of whom
to form a
quorum.

IV. *And be it further enacted*, That the number of directors of the company hereby incorporated, shall be five, three of whom shall be a quorum, capable of managing the concerns and business of the company incorporated, and shall have and enjoy all the rights and immunities which are usually given and granted in and by the aforesaid act, entitled "an act relative to turnpike companies," and shall be subject to all the conditions, provisions, restrictions and regulations contained in the said act.

Commissioners, how
appointed.

V. *And be it further enacted*, That the first judge of the court of common pleas for the county of Madison, shall name and appoint three disinterested persons, not being residents of any of the towns through which the road shall pass, as commissioners to lay out said road agreeably to the provisions of this act.

CHAP. CXCII.

AN ACT to establish and regulate a ferry across the Cayuga lake.

Passed April 17, 1816.

Company
incorporated.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for the president, directors and company of the fifth great western turnpike road, and their successors in office to set up, keep and maintain a ferry, over and across the Cayuga lake, from the land of Mathew Tillotson, in the town of Genoa, where the said turnpike road terminates, to the west bank of the lake opposite, on the land of Jasper Shuth, in the town of Ovid, in the county of Seneca.

To erect
docks, &c.

II. *And be it further enacted*, That the said president and directors and their successors in office, shall, if they set up, keep and maintain a ferry, by virtue of this act, erect such convenient docks or landing places, as shall be most suitable and convenient for the purpose aforesaid; and shall keep, maintain and support suitable and convenient ferry boats, capable and sufficient for conveying and transporting carriages, horses, cattle and passengers, and be ready at all reasonable times and seasons, to transport and ferry across the said lake, persons, goods and chattels.

Court to regulate
tolls.

III. *And be it further enacted*, That the court of common pleas in and for the counties of Cayuga and Seneca, in their sessions, shall and may, and they are hereby directed annually, or as often as it

may become necessary, to order, direct and determine the several rates of toll from the shores of their respective counties.

IV. *And be it further enacted*, That if the said president and directors, or any other person employed by them, shall take, exact or receive any greater or higher rates of toll for transporting goods and chattels, or other things whatsoever, than shall be allowed by the said courts of common pleas, the person or persons so offending shall forfeit for every such offence, the sum of five dollars, to be recovered, with costs of suit, before any justice of the peace within this state, by any person or persons who shall sue and prosecute for the same.

V. *And be it further enacted*, That if any other person or persons shall hereafter set up, keep or maintain a ferry, or shall carry or transport any person, goods and chattels, for hire or pay, across the said lake, from any places on the east and west bank of said lake, within the boundaries of the lands of Mathew Tilloston and Jasper Shuth aforesaid, other than the said company, such person or persons shall for every such offence forfeit and pay the sum of five dollars, to be recovered, with costs of suit, in any court within this state having cognizance thereof, by any person who shall sue and prosecute for the same: *Provided however*, that nothing in this act contained, shall be deemed or taken to extend, or prevent any person or persons who reside within the limits aforesaid and adjoining the said lake, from the right of making use of their own boats, and transporting themselves and property across the said lake at their pleasure.

VI. *And be it further enacted*, That the privileges granted by this act to said turnpike company, shall always remain in the power of the Legislature of this state, to rescind or alter at pleasure, by a repeal of this act or otherwise, which power is hereby expressly reserved.

CHAP. CXCIH.

AN ACT authorising Josiah B. Olcott to erect a dam across the Butternut creek, in the county of Onondaga.

Passed April 17, 1846.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for Josiah B. Olcott, of the town of Manlius, in the county of Onondaga, to erect a dam across the Butternut creek, near the village of Youngsville, on lot number fifty two, in said town of Manlius, for the purpose of supplying mills or other water works with water; and it shall be the duty of the said Josiah B. Olcott, and his heirs and assigns, to cause to be made in said dam, a lock or canal to permit the passage of boats with ease, not less than twelve feet in width, so soon as said creek shall be cleared and become navigable for boats or other water craft, free of expense, and also keep the said lock or canal in good repair as long as the dam shall exist or impede the passage of boats: And if the said Josiah B. Olcott, his heirs or assigns, unreasonably delay or hinder any person with boats from passing such lock or canal, he or they shall, for every such offence, forfeit and pay

two dollars for every hour's delay or detention, to be recovered, with costs, to the use of the person so delayed or hindered, before any justice of the peace in said county of Onondaga.

which are to
be kept in
constant re-
pair.

II. *And be it further enacted*, That if the said Josiah B. Olcott, his heirs or assigns, shall at any time while said dam shall exist, or after said lock or canal shall be finished, suffer the said lock or canal to be out of repair seven days in succession, so as to prevent boats or other water craft from passing, then and in such case, this act shall cease and become void, and all rights granted to the said Josiah B. Olcott shall cease and be revoked.

3 judges of
C. C. pleas
to decide
when such
lock shall
be made.

III. *And be it further enacted*, That it shall be the duty of the judges of the court of common pleas of the county of Onondaga, or any three of them, not interested in said dam, to examine and decide when the said creek shall become cleared and navigable for boats; and their certificate of the fact filed in the clerk's office of the said county of Onondaga, shall be conclusive evidence of the same; and the said Josiah B. Olcott, his heirs and assigns, shall, within two months after such certificate shall be filed, and notice thereof to him or them given, erect, make or complete the said lock or canal in manner aforesaid, on pain of forfeiting all the rights granted to him by this act.

Privilege
may be
revoked.

IV. *And be it further enacted*, That if the erection of said dam shall be found productive of damages to the public or individuals, by the overflowing of their lands lying in its vicinity, the authority to the said Josiah B. Olcott, his heirs and assigns, shall and may, on proof of such damage, be revoked by the court of common pleas of the county of Onondaga.

CHAP. CXCIV.

AN ACT to incorporate the village of Norwich.

Passed April 17, 1816.

Boundaries.

I. *Be it enacted by the people of the State of New-York, represented in Senate and Assembly*, That the district of country contained within the following boundaries, that is to say, beginning at a point in the center of the Chenango river, on the division line between the lands of Samuel Hammond and Hascall Ransford, thence westerly on said division line to the turnpike road; thence southerly on the east bounds of said turnpike road, twenty-five rods; thence a due west course to the center of the Conesewanta creek; thence down the center of said creek to a point ten rods north of the grist-mill of Peter B. Garnsey, Esquire; thence west fifty rods, thence south fifty rods, thence east to the center of the said creek, thence down the center thereof to a point ten rods north of the turnpike bridge crossing the said creek; thence a due east course to the center of the Chenango river; thence up said river to the bridge crossing the same; thence round the east end of the bridge and adjoining the same to the center of the said river; thence up the center of the said river to the place of beginning, shall continue to be known and distinguished by the name of the village of Norwich; and the freehold-

ers and inhabitants who are qualified to vote at town meetings, who may from time to time reside within the aforesaid limits, may, on the first Monday of May next, meet at the court-house in the said village, at such time of the day as may be appointed by any justice or justices of the peace within said village, or within the town of Norwich, and notified to the inhabitants thereof, at least one week previous thereto, and then and there proceed to elect by ballot five discreet freeholders, resident within the said village, to be trustees thereof; who, when chosen, shall possess and exercise the several powers and rights herein after specified: And such justice or justices shall preside at such meeting, and shall declare the several persons having the greatest number of votes to be duly chosen trustees; and on every first Monday of May thereafter, there shall be an annual election by ballot of trustees for the said village, at such place as the trustees for the time being shall notify, giving at least one week's notice, by publishing the same in the newspaper or papers in said village, or setting up the same in three of the most public places in said village; and the trustees shall preside at such annual elections.

Trustees to
be chosen.

II. *And be it further enacted*, That the freeholders and inhabitants residing within the aforesaid limits be, and they are hereby ordained, constituted and declared to be, from time to time, and forever hereafter, a body politic and corporate, in fact and in name, by the name of "the Trustees of the village of Norwich;" and by that name they and their successors forever shall and may have perpetual succession, and be persons in law capable of suing and being sued, pleading and being impleaded, defending and being defended, in all courts and places whatsoever, in all manner of actions, complaints and causes whatsoever; and that they and their successors may have a common seal, and may alter the same at their pleasure; and shall be in law capable of purchasing, holding, receiving and conveying any estate, real or personal, for the use of said village; and of erecting any public buildings for the use of said village; and of raising money by tax for erecting such public buildings, purchasing such real or personal property, procuring fire engines and other utensils for extinguishing fires, and for making a reasonable compensation to the officers of the corporation, and for making any necessary repairs or improvements in said village; which monies, so to be raised, shall be assessed upon the freeholders and inhabitants of the said village, according to law, by not less than three, nor more than five judicious assessors, who shall be freeholders of said village, to be chosen by the inhabitants of said village, qualified to vote at town meetings, by ballot, and collected by the collector of the corporation, to be chosen by the trustees of said village annually, in like manner as the taxes of towns and counties are collected, by virtue of a warrant to him directed by a majority of the trustees: *Provided nevertheless*, That no tax shall be levied or monies raised, assessed or collected, for the purposes aforesaid, or any other purpose, and no purchase or sale of any real estate made, and no public buildings erected or disposed of, without the consent of the legal voters of the said village in open meeting, duly warned and notified, first given and expressed by a majority of votes then and there given: *Provided also*, and it is hereby made the duty of said assessors, in assessing the taxes so to be raised upon

Declared to
to be a body
corporate.

Style and
powers.

Assessments

Proviso.

the inhabitants of said village, to have regard both to the property and relative situation of each individual, so as that the said taxes may be assessed in an equitable and just manner, of and from the owners and occupants of the houses and lands in said village, in proportion, nearly as may be, to the property and to the advantages which each shall be deemed to receive from the improvement or purchase to be made by said money when collected: *And provided also*, that if any person shall conceive himself or herself aggrieved by any such assessment, it shall be lawful for any such person or persons to appeal from the said assessors to the trustees of said village, in ten days after such assessment shall be made, and public notice thereof given, giving notice to the said assessors or any one of them of such appeal, and of the time and place of determining thereon by said trustees, who shall hear the same and do justice in the premises.

Right of
appeal.

III. *And be it further enacted*, That it shall be lawful for the inhabitants of said village, as often as they shall vote to raise any sum or sums of money for any of the purposes aforesaid, to specify, as far as is convenient, the particular purpose for which said sum or sums, or any part thereof, shall be appropriated, that the assessors may have regard thereto in assessing the same upon the respective inhabitants of said village.

Money, how
to be raised,

By-laws,
&c.

IV. *And be it further enacted*, That it shall be lawful for the trustees of said village, or the major part of them, and their successors, to make, ordain, constitute and publish such prudential by-laws, rules and regulations, as they from time to time may deem meet and proper, and such particularly as are relative to the streets, alleys and highways of said village; and draining, filling up, paving, keeping in order and improving the same; relative to slaughtering houses, and nuisances generally; relative to restraining geese, swine or cattle of any kind; relative to the better improving of their common lands; relative to the erecting, keeping and regulating hay scales; and relative to any thing whatsoever, that may concern the public and good government of said village; but no such by-laws shall extend to the regulating or fixing the prices of any commodities or articles of provision offered for sale: *Provided also*, that such by-laws be not contrary to, nor inconsistent with the laws of this state, or of the United States: And it shall also be lawful for said trustees, to require the householders and occupants of buildings in said village, under suitable penalties, to furnish themselves with fire buckets, and other necessary utensils for extinguishing fire, and also keep their fire places and chimnies clean and in good repair.

Proviso.

Fines and
forfeitures.

V. *And be it further enacted*, That the said trustees, or the major part of them, as often as they shall make, ordain and publish any such by-laws for the purposes aforesaid, may make, ordain, limit and provide, such reasonable fines, penalties and forfeitures, against the offenders of such by-laws, as they may think proper, not exceeding twenty-five dollars for any one offence, to be prosecuted and recovered before any justice of the peace, or court having cognizance of the same, by the trustees, to and for the use of the said corporation; and in all cases it shall be deemed sufficient for said trustees, in any suit or action to be brought for any such fines, penalties and forfeitures, to declare generally, that the defendant

or the defendants are indebted to the trustees of the village of Norwich, in the amount of such fine, penalty or forfeiture, to be paid to the said trustees for the time being, when thereunto required, and under such declaration to give the special matter in evidence; and the freeholders and inhabitants of said village shall be deemed, and are hereby declared competent to give testimony in any cause wherein the said trustees are a party, notwithstanding any remote interest which they may have as members of such corporation.

VI. *And be it further enacted*, That the inhabitants of said village of Norwich, qualified to vote at town meetings, at the annual meetings in every year hereafter to be held for choosing trustees, or any other meeting duly notified, shall, and are hereby authorised, to choose by a major vote, not less than three nor more than five judicious freeholders, inhabitants of said village, as assessors, and one treasurer and one clerk; and it shall be the duty of the said clerk to keep a faithful record of all the doings and votes of the inhabitants of said village, at their annual and other legal meetings, in a book by him to be procured.

Assessors,
Treasurer
& Clerk.

VII. *And be it further enacted*, That the trustees, assessors, treasurer and clerk shall, within ten days after their election and appointment, and before they proceed to the exercise of their several offices, respectively take and subscribe an oath or affirmation, before any justice of the peace in said village or county of Cheungo, that they will faithfully execute the office or trust to which they may be severally elected.

Who shall
take certain
oaths.

VIII. *And be it further enacted*, That the treasurer and collector, hereafter to be appointed, shall before they enter upon the duties of their respective offices, give such security for the faithful performance of the trusts reposed in them, as the major part of the trustees, for the time being, shall deem sufficient.

And give security.

And whereas it is necessary for the good government of the said village, that it should be more particularly the business of some one of the trustees of said village to attend to its more immediate concerns: Therefore,

IX. *Be it further enacted*, That the trustees, within ten days after their election, in every year thereafter, or the major part of them, shall, and it is hereby made their duty, to assemble in some convenient place in said village, and there to choose and appoint some one suitable person of their body, to be president of the said board of trustees, whose duty it shall be, when present, to preside at the meetings of said trustees; to order extraordinary meetings of trustees whenever he shall think proper; to receive complaints of the breach of any of the laws; to see that the by-laws, rules and ordinances are faithfully executed and observed and to prosecute, in the name of the trustees, all offenders against such by-laws; and whose duty it shall be, more particularly, to see that the public property belonging to the said village, and relating to the fire engines and utensils, be suitably taken care of and kept in order; and to do such other acts and things as may be proper for him, as president of the board of trustees, to do: And in case of the death or disability of such president, the said trustees shall proceed to choose out of their body a successor, in manner as above mentioned; and it is hereby made the duty of the said trustees, to keep a record

Trustees to
choose a
president.

Taxes, how apportioned **and how collected.** **His fees.** **Shall give security.** **Trustees to appoint a treasurer,**

V. And be it further enacted, That the said trustees, or a majority of them, shall have power to apportion the sums which may from time to time be raised by vote, for the purposes aforesaid, upon the taxable inhabitants of said village, according to their taxable property within said village; and having apportioned the same, to make a rate bill or tax list, with the tax of each of the taxable inhabitants in said village set opposite his name, to which the said trustees or a majority of them shall annex a warrant, directed to the collector of said village, commanding him to collect said tax in the same manner as town collectors; which said collector, the said trustees or a majority of them shall have power to appoint, who when appointed shall be subject to the same duties, clothed with the same authority, vested with the same powers and entitled to the same fees, as town collectors; which said collector, shall within ten days after his appointment, and before entering on the duties of his office, give the said trustees such security for the faithful discharge of the trust reposed in him, as by the said trustees or a majority of them shall be deemed sufficient; and the said trustees, or a majority of them, shall also have power to appoint a treasurer, whose duty it shall be to receive all monies collected for taxes; to pay money upon the order of the trustees or a majority of them, and not otherwise; to keep an account of all monies received and paid out, together with all receipts and vouchers relating to the same, and annually, on the second Monday of May, account with the trustees, or a majority of them, therefor.

and firemen. **To impose penalties.** **Provide.**

VI. And be it further enacted, That it shall be lawful for the trustees of said village, or a majority of them, to appoint not exceeding eighteen firemen out of the inhabitants of said village, and the same or any of them to remove at pleasure, and to appoint others in their stead, to regulate the times of meeting and exercises of said company of firemen, to appoint their captain and other officers, and to make such by-laws, rules and regulations, and for the government of said company, and inflict, ordain and establish such penalties for breaking or disobeying such by-laws, rules and regulations, as they may deem expedient: *Provided*, that no fine or penalty shall be inflicted on any fireman, exceeding two dollars for any one offence; and that the trustees shall have the power of remitting such fine and penalty whenever a majority of them shall deem it proper.

Firemen to do military duty.

VII. And be it further enacted, That the firemen authorised to be raised by this act, shall be subject to militia duty, any law of this state to the contrary notwithstanding.

Declared a public act.

VIII. And be it further enacted, That this act be, and it is hereby declared to be a public act; and that the same be construed in all courts favorably and benignly for every beneficial purpose herein contained.

CHAP. CXCVI.

AN ACT appointing commissioners to lay out the road therein mentioned, within the counties of Lewis and Jefferson.

Passed April 17, 1816.

I. BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That Robert M'Dowell, of Lowville, in the county of Lewis, Eber Lucas of Pinckney, in the county of Lewis, and Abel Cole, of Rodman, in the county of Jefferson, or any two of them, be and they are hereby authorised and empowered, to lay out a road four rods wide, beginning at the village of Lowville, in the county of Lewis, and pursuing thence the most eligible and direct route through the towns of Lowville, Harrisburgh, Pinckney, Rodman, Adams and Henderson, to the harbor in the town of Henderson.

Commissioners,

II. And be it further enacted, That each of the said commissioners shall, before he enters upon the duties of his said office, take to take an and subscribe an oath or affirmation, before a justice of the peace of the county where he resides, that he will act without favor or partiality in laying out the said road.

III. And be it further enacted, That the said commissioners shall cause to be made an accurate map of the said road, together with the courses and distances of the same, and shall cause to be filed a copy of such part as shall pass through the said counties of Lewis and Jefferson, in the respective clerk's offices, in the county through which the same shall pass, and also shall cause a map of such part of said road as shall pass through the several towns, to be filed in the respective town clerk's offices for record.

Map to be made & filed

IV. And be it further enacted, That the commissioners of highways of the towns through which said road shall be laid, as soon as may be after the recording of the route thereof as aforesaid, shall cause the same to be opened and worked in their respective towns, in the same manner as if the said road had been laid out by the said commissioners of highways respectively.

Road to be worked as soon as laid out.

V. And be it further enacted, That there shall be assessed, paid and collected, for the purpose of opening and making the said road in the towns of Harrisburgh and Pinckney, on every acre of land in the said towns last mentioned, lying within one mile of the said road, a sum not exceeding ten cents, nor less than three cents; and for every acre of land in the said towns lying within two miles, and more than one mile, a sum not exceeding five cents, nor less than one cent; which said assessment shall be made in proportion to the value of the land, and to the advantages resulting to the owners thereof by the establishing of the said road.

Assessments

VI. And be it further enacted, That the said commissioners shall, as soon as may be after the route of the said road shall be marked and fixed upon by them, examine the lands hereby made subject to the said assessment, and make the said assessment fairly thereupon, in writing, and shall ascertain and describe the parcels of land so assessed, as accurately as may be; which said assessment, so to be made in writing as aforesaid, shall be filed in the office of the

to be made by commissioners.

Where to
be filed.

Comptrol-
ler's notice.

Proviso.

Commis-
sioners to
give bonds

Damages to
be paid.

Compensa-
tion to com-
missioners

comptroller of this state; and it shall thereupon be the duty of the said comptroller to give notice, in the newspaper published by the printer to this state, and in one newspaper printed in the county of Jefferson, for four successive weeks, that he the said comptroller has received the assessment of a tax made agreeably to this act; and unless the said tax be paid within six months from the date of the said advertisement, it shall then be the duty of the said comptroller to give notice in the newspapers aforesaid, describing particularly all the lands on which the said tax shall remain unpaid, together with all the expenses of advertising, selling and conveying the same, on such day as he shall fix, not exceeding three months, nor less than two months from the date of the advertisement; and the said comptroller shall be, and he is hereby authorised to execute a conveyance to the purchasers of the land so sold, which shall vest the absolute title thereof in fee simple in the purchaser: *Provided*, that if the owner of such land so sold and conveyed by the said comptroller shall, within two years after the said sale, pay to the said comptroller, for the benefit of such purchaser, the sum paid for the same, with interest at the rate of fourteen per centum per annum, the said sale shall be void; and the monies so received by the said comptroller, shall be paid by him to the commissioners named in the first section of this act, for the purpose of making the said road as aforesaid.

VII. *And be it further enacted*, That the said commissioners shall, previously to the receiving of the said sums of money, enter into a bond, with such surety, and in such manner, as shall be approved by the comptroller of this state, with whom the same shall be filed, with condition that they the said commissioners shall faithfully expend and account for the said sums of money, which they shall so receive as aforesaid.

VIII. *And be it further enacted*, That if any part of the said road shall be laid out through any improved lands, the owner or owners thereof shall be paid his or their damages, by the town in which said improved lands lie, to be assessed and determined in the same manner as damages are directed to be assessed by an act, entitled "an act to regulate highways."

IX. *And be it further enacted*, That each of the commissioners appointed by this act, shall be entitled to receive three dollars for each and every day they shall necessarily spend in laying out and establishing said road; and all expenses incident to the same, shall be levied, collected and paid in the said counties of Lewis and Jefferson, as other contingent charges are in said counties levied, collected and paid.

CHAP. CXC VII.

AN ACT to incorporate the Owego Bridge Company.

Passed April 17, 1816.

I. BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That Eleazar Dana, James Pumpselly, John Lansing, Horatio Ross, John R. Drake, Charles Pumpselly, John H. Avery, Nathan Camp and William Camp, and their

E. Dana &
others in-
corporated.

present and future associates, their successors and assigns, be and they are hereby created a body corporate and politic, by the name of "The President and Directors of the Owego Bridge Company," for the purpose of building a bridge over the Susquehannah river, at or near the village of Owego, in the county of Broome; and they are hereby ordained, constituted and declared to be a body politic and corporate, in fact and in name, and by that name they and their successors shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and so to remain for the term of thirty years; and that they and their successors may have a common seal, and may change and alter the same at pleasure; and also that they and their successors, by the same name and style, shall be in law capable of purchasing, holding and conveying any estate, real and personal, for the use of the said corporation: *Provided*, the real and personal estate, so to be holden, shall be such only as shall be necessary to promote or attain the objects of this corporation. Provide.

II. *And be it further enacted*, That the stock, property, affairs, and concerns of the said corporation, shall be managed, directed and conducted by five directors, who shall be stockholders. and shall be annually chosen and elected on the first Monday in July in every year, at such place in the village of Owego, as the directors for the time being, or any three of them, shall appoint, of which notice shall be given in a newspaper printed in the village of Owego, at least ten days before the day of meeting; That all elections for directors shall be by ballot; and the persons who shall at such election have the greatest number of votes, shall be the directors, and shall hold their offices for one year, and until others be chosen in their places; and if any vacancies shall happen among the directors, by death, resignation or otherwise, such vacancies shall be filled for the remainder of the year in which they may happen, by the appointment of the other directors for the time being, or a majority of them. 3 directors to be annually chosen.
Notice of election.
Vacancies to be filled.

III. *And be it further enacted*, That Ansel Goodrich, James Pumpelly and John R. Drake be, and are hereby appointed commissioners, to do and perform the several duties herein after mentioned, that is to say, they shall, on or before the first Tuesday of July next, procure three books, and in each of them enter as follows: "We whose names are hereunto subscribed, do, for ourselves and our legal representatives, promise to pay to the president, directors and company of the Owego bridge company, fifty dollars for every share of stock set opposite to our names respectively, in such manner and proportion, and at such time and place, as shall be determined by said president, directors and company, on pain of forfeiting our shares, and all payments previously hereon made;" and that every subscriber shall, at the time of subscribing, pay the said commissioners, or one of them, five dollars for each share so subscribed; and the said commissioners or some one of them shall, as soon as four hundred shares are subscribed, cause notice to be published in a newspaper printed in said village of Owego, giving at least ten days notice of the time and place, when and where the said subscribers shall meet to choose directors; and that the said directors shall, immediately after their election as aforesaid, meet at Commissioners,
to procure books.
Stipulation of subscribers.
Sum to be paid on subscription.
Notice to be given.

the said village of Owego, and choose one of their number to be their president; and when the said directors shall have chosen their president as aforesaid, the said commissioners shall forthwith deliver him the books of subscription, and the monies received thereon.

Amount and number of shares.

IV. *And be it further enacted*, That a share in the stock of the same company shall be fifty dollars, and the number of shares shall not exceed eight hundred, and that the said shares shall be taken, deemed and considered to be personal estate, and shall and may be transferable.

Ratio of votes to the shares held.

V. *And be it further enacted*, That at all elections for directors, each stockholder shall be entitled to a number of votes, proportioned to the number of shares he or she shall hold in his or her name; and that in case an election for directors shall not be made on any day when, pursuant to this act, it ought to have been done, it shall be lawful for any one of the stockholders to give ten days notice of an election on any other day; and the stockholders may, on any such day, meet in the village of Owego, and elect five directors, who shall hold their offices, and have like powers, as though such election had taken place on the day for the annual election.

Notice to be given if no election

Governor to appoint 3 commissioners, whose determination shall be final. Compensation.

VI. *And be it further enacted*, That the Governor of this state shall, on the request of the president and directors of said company, appoint three reputable freeholders, who shall be commissioners to determine and fix upon the spot in or near the said village of Owego, where the said bridge shall be built, the determination of which said commissioners, or any two of them, in writing, under their hands, shall be final; each of which said commissioners shall receive from the said company, four dollars for each and every day he shall attend upon the business of the said appointment; and that the said president and directors, their agents, artists or other persons employed by them, may enter on and take possession of the lands on each side of the river, where the said commissioners shall determine said bridge shall be erected; and in case such land, so to be taken possession of, shall not be part of the public highway, the said corporation shall, before taking the possession of any such land, pay the owner or owners thereof, on receiving a conveyance of the land, the value of so much of the same as may be necessary for making said bridge, and erecting and establishing a gate, toll-house and all other works to the said bridge belonging; in case of disagreement between the parties as to such value, the same shall and may be ascertained by three indifferent freeholders of the county where such land shall lie, who shall be appointed for that purpose, and sworn to make a just valuation, by the judges of the court of common pleas, not interested, or a major part of them, held for the same county, on application from the said president and directors to them for such appointment; and it shall be the duty of the said president and directors, to make such application within six weeks after possession taken of said land, and disagreement as to the value thereof: *Provided always*, that the said president, directors and company, or the stockholders of the said company, if this corporation shall become dissolved, shall re-convey to the said owners respectively, and their respective heirs and assigns, if thereunto required, and such parts of the land now belonging to the said owners, as shall be appropriated or obtained by the said president, directors and company, by appraisement or otherwise, for the use

Company to take possession of lands.

Appraisers to be appointed.

Proviso.

of the said company, at and for such sum and sums of money as the said owners respectively shall receive for the same : And if the said president, directors and company, or the stockholders thereof, if the corporation shall become dissolved, shall within thirty days after such request made, refuse or neglect to execute such reconveyance, such land shall become vested in the said owners respectively making such request, in the same manner as the said owners held the same, before it was obtained or appropriated as aforesaid.

VII. *And be it further enacted*, That it shall and may be lawful for the said president and directors, to call on and demand from the stockholders respectively, all such sums of money by them subscribed or to be subscribed, at such times and in such proportions as they shall see fit, under pain of forfeiture of their shares and all previous payments thereon, to the said president, directors and company.

Forfeiture
of stock if
subscription
be not paid.

VIII. *And be it further enacted*, That the said bridge shall be built at least twenty-five feet wide, and be well covered with plank, not less than two and an half inches thick ; the sides of the said bridge to be secured with good substantial railings, and shall be so constructed that the opening between the piers under the same shall not be less than the width of ninety feet, for the passage of rafts and boats.

Plan of the
bridge.

IX. *And be it further enacted*, That as soon as the said bridge shall be finished and completed, and the judges of the court of common pleas in and for the county of Broome, or any two of them, not being stockholders in said company, shall upon inspection certify under their hands that the said bridge is well and sufficiently constructed and built, and will admit of the passage of teams and loaded carriages, it shall and may be lawful for the said president and directors to erect a gate at either end of said bridge, and demand, receive and take, for the use of the said corporation, a toll not exceeding the following rates, to wit : for every four wheel pleasure carriage drawn by four horses, sixty-two and an half cents, if drawn by two horses, thirty-seven and an half cents ; every curricule, chaise, chair or sulkey, drawn by one horse, eighteen cents, if drawn by two horses, twenty-five cents every waggou and two horses, twenty-five cents, and nine cents for every additional horse ; every sled or sleigh drawn by two horses twenty-five cents, and six and a quarter cents for every additional horse ; each ox waggou, cart, sleigh or sled drawn by two oxen, twenty-five cents, and each additional yoke of oxen, six and three quarter cents ; every one horse cart, eighteen cents ; every one horse waggou, sleigh or sled, eighteen cents ; every man and horse twelve and an half cents ; every foot passenger, six cents ; every horse, jack or mule, four cents ; every cow or other neat cattle, two cents ; every score of sheep or hogs, twenty cents, and so in proportion in a greater or less number : And it shall be lawful for the toll gatherer to stop, at said gate, every foot passenger, and any person driving, riding or leading any beast or carriage, from going through such gate, until they have respectively paid the toll therein allowed to be collected : *Provided nevertheless*, that any troops in the service of this state, or any of the United States, and all artillery, all waggons or oher carriages, and

Toll gate.

Tolls.

stores of every kind, belonging to this state or to the United States, shall pass said bridge without paying toll.

After thirty years the bridge to belong to the state.

X. *And be it further enacted*, That from and after the expiration of said term of thirty years, the said bridge, with its appurtenances, shall become the property of, and be vested in the people of this state.

Treasurer & other officers

XI. *And be it further enacted*, That the said president and directors for the time being, or a major part of them, shall have power to appoint a treasurer and clerk, and one or more toll gatherers, and to make and prescribe such by-laws, rules and regulations, as to them shall appear useful and proper, touching the management and disposition of the stock, property and estate of the said corporation; the duties of their treasurer, clerks, agents and servants employed therein, and all such matters as appertain to the said corporation: *Provided*, that such by-laws, rules and regulations be not inconsistent with the constitution and laws of the United States, or of this state.

Penalties.

XII. *And be it further enacted*, That if any person or persons shall wilfully do, or cause to be done, any act whatsoever, whereby the said bridge, or any thing appertaining to the same, shall be impaired, weakened or injured, the person or persons so offending shall forfeit and pay to the said company, treble the amount of the damages sustained by means of such offence or injury, to be recovered by the said company, with costs of suit, in an action of trespass, in the name of the treasurer of said company, to their use, in any court of record having cognizance thereof, which action shall in every instance be considered as transitory in its nature.

Penalties.

XIII. *And be it further enacted*, That if any person or persons shall forcibly pass the gate to be erected over said bridge in pursuance of this act or shall cause his or their horse, carriage, waggon, sled, cattle or other thing or things, to pass the same without having paid the legal toll for passing said bridge, such person or persons shall forfeit and pay a fine, not exceeding ten dollars nor less than one dollar, to be recovered by the treasurer of said corporation, to their use, in an action of trespass; which action shall in every instance be considered as transitory in its nature.

Penalties.

XIV. *And be it further enacted*, That if any toll-gatherer shall unreasonably detain or hinder any traveller or passenger at the said gate, or shall demand and receive more toll than is by this act established, he shall for every such offence forfeit and pay the sum of ten dollars, to be sued for and recovered before any justice of the peace in the county where such offence shall be committed, for the sole use of the persons so unreasonably delayed, hindered or defrauded.

Bridge to be finished in 1821.

XV. *And be it further enacted*, That in case the aforesaid bridge shall not be erected, built and completed on or before the first day of November, in the year of our Lord one thousand eight hundred and twenty-one, then the corporation created by this act shall be adjudged and considered as dissolved.

To be kept in repair.

XVI. *And be it further enacted*, That if the said bridge, after the same shall have been completed, shall at any time be impassable for the term of six months, that then the said corporation shall cease, and the same is hereby declared in such case to be dissolved: *Provided nevertheless*, that no such dissolution of the said corporation shall take place, if the said bridge shall be carried away by ice,

freshets, rafts, or any unavoidable accident, in case the same shall be rebuilt within two years after the same shall be carried away.

XVII. *And be it further enacted*, That this act be and is hereby declared to be a public act, and shall be construed benignly and favorably for every beneficial purpose herein intended. Public act.

XVIII. *And be it further enacted*, That it shall be the duty of the said corporation to cause to be affixed in a conspicuous place over the gate, a printed list of the rates of toll; and in default thereof, to be subject to the penalty of five dollars for every forty-eight hours, to be sued for and recovered by any person who shall prosecute for the same in his own name. Rates of toll to be published.

XIX. *And be it further enacted*, That during the existence of the said corporation, it shall not be lawful for any other person or persons to build, erect, or make any bridge, or keep any public ferry, across the said Susquehannah river, within three miles of the bridge erected by this corporation; and that any bridge erected, or any public ferry kept, contrary to the above provision of this act, shall be considered a public nuisance, and as such may be abated: *Provided nevertheless*, that this clause shall not be considered to become operative, until the bridge to be erected by the company hereby incorporated, shall be so far completed as to be passable for horses and carriages. No bridge or ferry to be within 3 miles. Provide.

CHAP. CXCVIII.

AN ACT in addition to the act entitled "an act for the relief of Samuel S. Baldwin and others," passed February 28, 1812.

Passed April 17, 1816.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That instead of the times limited for the payment of the several instalments on the bonds given to the people of this state, by Samuel S. Baldwin and Nathaniel Baker, in pursuance of the provisions of the act entitled "an act for the relief of Samuel S. Baldwin and others," passed February 28, 1812, the said instalments shall be payable as follows, to wit: The first instalment on or before the first day of May, in the year one thousand eight hundred and nineteen; the second instalment on or before the first day of May, in the year one thousand eight hundred and twenty, and the third instalment on or before the first day of May, in the year one thousand eight hundred and twenty-one: *Provided*, that the interest on the said bond shall be paid annually.

CHAP. CXCVI.

AN ACT to amend the act entitled "an act to erect a part of the counties of Oneida and Onondaga into a separate county, by the name of Oswego."

Passed April 17, 1816.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That nothing contained in the act,

entitled "an act to erect a part of the counties of Oneida and Oondaga into a separate county, by the name of Oswego," passed March 1, 1816, shall be construed to affect any suit or action in any court whatever, so as to work any wrong or prejudice to any of the parties therein, or any other person, or to affect any criminal or other proceedings on the part of the people of the state; but such civil and criminal proceedings as have already been had or commenced, and all such civil or criminal proceedings as shall hereafter be had or commenced in any court of record, until the first Tuesday of October next, shall and may be prosecuted to trial, judgment and execution, as if the said act had not been passed.

CHAP. CC.

AN ACT to enable the persons therein named to purchase and hold real estate within this state.

Passed April 17, 1816.

I. *Be it enacted by the people of the State of New-York, represented in Senate and Assembly,* That Andrew M'Nab, Joseph Davis, Owen Duffee, William Lee, John Morrow, William Rud-dick, Thomas Pearsons, Philip Pearsons, Samuel Martin, Joseph Moreau, William A. Tweedale, John Pattison, Arthur Pattison, Henry O'Keefe, Thomas M'Kee, James Harrison, John Heafield, Jean Henry De Sarpodte, James Fleming, Patrick Byrne, Robert Paul, Alexander Donau, John Scott, Alexander Meldrum, shall be and hereby are enabled to take real property in this state, either by descent or purchase, and to hold and dispose of the same in like manner as natural born citizens.

II. *And be it further enacted,* That no lands, tenements or hereditaments in this state, heretofore purchased by any of the persons herein before named, shall escheat to the people of this state, by reason or account of such person's then being an alien; but all such lands, tenements and hereditaments shall vest in such purchaser in the same manner as if such person had been naturalized at the time of such purchase.

CHAP. CCI.

AN ACT appointing commissioners to lay out the road therein mentioned, within the counties of Oswego, Cayuga and Seneca.

Passed April 17, 1816.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly,* That Jacob L. Lazalere, James Geddes, John M'Fadden, or any two of them, be and they are hereby authorised and empowered to lay out a road four rods wide, beginning at the ferry on the west side of the Oswego in the village of Oswego, and pursuing from thence the most eligible and direct route through the towns of Hannibal, Sterling, Wolcott and Galen to the bridge

J. Lazalere
and others
to lay out
a road.

over the Canandaigua outlet at or near the black-house in the town of Galen aforesaid.

II. *And be it further enacted*, That each of the said commissioners shall before he enters upon the duties of his said office, take and Oath. subscribe an oath or affirmation before a justice of the peace of the county where he resides, that he will act without favor or partiality in laying out the road for which he is appointed.

III. *And be it further enacted*, That the said commissioners shall cause to be made an accurate map of the said road, together with the courses and distances of the same, and shall cause to be filed a copy of such part as shall pass through the counties of Oswego, Cayuga and Seneca, in the respective clerk's offices in said county through which said road is laid; and also shall cause to be filed as aforesaid, a map of such part of said road as shall pass through the several towns, in their respective town clerk's offices for record. Map to be made & filed

IV. *And be it further enacted*, That the town commissioners of the towns through which said road shall be laid, shall without delay, after recording of the route thereof, as aforesaid, cause the said road to be opened and worked in their respective towns in the same manner as if the same had been laid out by the said town commissioners. Commissioners to direct the working of the road.

V. *And be it further enacted*, That each of the commissioners appointed by this act shall be entitled to receive two dollars for each and every day they shall necessarily spend in laying out and establishing said road, and such allowance to the surveyor to be employed, and necessary hands, as the said commissioners shall certify to be reasonable and just, to be levied and paid in the said counties of Oswego, Cayuga and Seneca, as other contingent charges are levied, collected and paid in the counties aforesaid. Compensation to commissioners.

CHAP. CCII.

AN ACT concerning the Gospel and School Lot in the town of Chenango and county of Broome, and for other purposes.

Passed April 17, 1816.

WHEREAS there is a lot of land reserved for the support of the gospel and schools in the said town of Chenango, which lot was several years since surveyed by William Cooper, Esquire, late of Cooperstown, deceased, into smaller lots, and by him in part sold, and bonds and mortgages taken for the payment of the consideration money: *And whereas* the surveyor general of this state, by virtue of the authority given to him in and by an act passed April 3, A. D. 1811, entitled "an act to remedy mistakes in the sale and location of certain lands, granted by the people of this state," has made a settlement with the executor of the said William Cooper, in which it is stipulated that the bonds and mortgages taken for the parts so sold by the said William Cooper, should be assigned to the people of this state, and that the residue of the said lot should be released to the said people: *And whereas* the inhabitants of the said town of Chenango are desirous of having the benefit of the avails of the said lot of land for the support of the gospel and schools in said town: *Therefore*, Preamble.

I. *Be it enacted by the people of the State of New-York, represented in Senate and Assembly,* That it shall be lawful for the freeholders and inhabitants of the said town of Chenango at their annual town meeting, to elect three trustees, being inhabitants and freeholders of the said town, whose duty it shall be to take charge of the said lands, and receive and appropriate the rents, issues and profits, or the proceeds arising from the sale thereof, to the uses, and for purposes herein after mentioned.

Sur. general
to assign to
trustees cer-
tain bonds &
mortgages.

Trustees au-
thorised to
sell, &c.

To be body
corporate.

Interest for
the sales.

Application
of monies.

Trustees to
render an
account,

and report.

II. *And be it further enacted,* That the surveyor general shall assign to the said trustees the said bonds and mortgages so received from the executor of the said William Cooper, for the parts of the said lot sold by him; and it shall and may be lawful for the said trustees to demise or grant, bargain, sell and convey the residue of said lot upon the best terms, or for the best price which can be had therefor, in such a manner as the said trustees shall deem most beneficial for said town; and to receive the principal and interest due or to become due upon the said bonds and mortgages, and in case of the non-payment of the same, to collect the same by suit at law, and to foreclose the said mortgages, any or either of them: *And further,* that for the purposes expressed in this act, the said trustees shall be a body politic and corporate, by the name and style of "the trustees of the town of Chenango, in the county of Broome," and shall have a common seal, and, by the name and style aforesaid, may sue and be sued in any court of law or equity for any matter or thing relating to the aforesaid lands, or the proceeds thereof.

III. *And be it further enacted,* That the said trustees shall loan the principal money arising from sales made of any or all said lands at lawful interest, to be secured by bonds and mortgages on lands of double the value of the sums loaned, and clear of all incumbrances: *And further,* that the rents, issues and profits of the aforesaid lot, and the annual interest of the monies arising from the sales thereof, shall be applied by the said trustees for the time being, to the support of the gospel and schools in the said town, in such manner as the freeholders and inhabitants of the said town shall at their annual meeting direct.

IV. *And be it further enacted,* That it shall be the duty of the said trustees to render a just and true account of their proceedings, in relation to the sale of said lands, together with the rents and interest in their hands remaining, and an account of what has been appropriated or expended, to the supervisor and justices of the peace of the said town, on the last Tuesday next preceeding the annual meeting in said town in each year; and it shall be the duty of the said supervisor, or one of the said justices, to report to the people, at the annual town meeting in each year, the amount of interest or rent then due, and to be appropriated for the support of the gospel or schools; and when other trustees shall be chosen, the former trustees shall deliver over to their successors all the money, books, notes, bonds, mortgages and other papers relating to the said lands, or taken for the security of any sum or sums of money arising therefrom, either for interest, rent or principal then remaining in their hands, and take a receipt for the same, which receipt shall be filed in the clerk's office of said town; and in case any of the said trustees shall wilfully neglect or refuse to deliver over as aforesaid, all the money, books, notes, bonds, mort-

pages or other papers, to their successors as aforesaid, such trustee, ^{Penalty for} so neglecting or refusing, shall forfeit and pay twenty-five dollars, to ^{not deliver-} be recovered, with costs of suit, before any justice of the peace in ^{ing over the} and for said county, in an action of debt, by any person who shall ^{books, &c.} prosecute for the same to effect.

V. *And be it further enacted*, That John A. Collier and Thomas ^{Trustees} G. Waterman be, and they are hereby appointed trustees for the said town, until the next annual town meeting.

VI. *And be it further enacted*, That the powers, privileges and restrictions, contained in the act passed the 4th of April 1807, relative to the lots of land reserved for the support of the gospel and schools in the counties of Otsego, Cayuga and Seneca, shall be and the ^{Powers and} same are hereby extended to the several townships in the county of ^{privileges} St. Lawrence, wherein any lot or lots of lands are reserved for the ^{extended.} support of the gospel and schools in the said town.

CHAP. CCIII.

AN ACT to enable the society of the New-York Hospital to erect a new building for the accommodation of insane patients.

Passed April 17, 1816.

WHEREAS the governors of the New-York hospital have represented to the Legislature, that the building heretofore erected for the accommodation of insane patients has, by reason of their increased number, become wholly inadequate for the purpose for which it is intended; that they are desirous of erecting another building for the said purpose, and have purchased a very eligible site for the same; but that the funds of the institution being merely sufficient for its ordinary expenses, they are unable, without the aid of the Legislature to carry their intentions into effect: ^{Preamble.}

And whereas there is no other institution in the state, in which such patients can be taken care of and relieved:

And whereas humanity, and the interests of the state, require that fit provision should be made for the care and cure of insane persons: Therefore,

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That during the period mentioned in the first section of the act, entitled "an act for the better and more permanent support of the hospital in the city of New-York," the treasurer of this state shall pay to the treasurer of the society of the New-York hospital, in quarter-yearly payments, out of any monies in the treasury of this state not otherwise appropriated, the annual sum of ten thousand dollars, the first quarter-yearly payment to be made on the first day of May next, which said annual sum shall be chargeable upon the duties on sales at public auction or vendue, in the said city of New-York: ^{Appropriation,} *Provided always*, that all payments heretofore directed by law to be made out of the aforesaid duties for the support of charitable institutions in the city of New-York, shall be made previous to the payment of the sum hereby granted to the said society of the New-York hospital. ^{to be charged on auction sales.} ^{Provide.}

CHAP. CCIV.

AN ACT relative to the duty of assessors in the several towns in this state.

Passed April 17, 1816.

New valuations to be made.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly,* That from and after the passing of this act, it shall be the duty of the assessors in the several towns in this state, to make such valuation of houses and lands in their respective towns, that the value of the real estate set opposite the names of the several persons assessed, shall bear a just relation or proportion to each other in the same town; and for that purpose, they may alter the valuation of real estates in their several towns, as justice may require, any thing contained in the act of the Legislature of this state, entitled "an act for the assessment and collection of taxes," passed the fifth day of April, one thousand eight hundred and thirteen, to the contrary thereof notwithstanding.

Assessors directed to meet.

II. *And be it further enacted,* That it shall be the duty of the assessors of the several wards and towns within this state, to meet together in their respective towns, on or before the first Tuesday of July next, and to make out a just and true estimate of the real estate of every person situate within the said towns, according to the actual value of such real estate, and to return such estimate to the supervisors of the town in which the said estate is situate, on or before the first day of October next.

Supervisors.

III. *And be it further enacted,* That the supervisors of the several counties within this state, shall on the first Tuesday of October next, meet together at their usual place of meeting, for the purpose of revising the said estimates and correcting the same, so far as relates to the aggregate value of real property in the several towns, where it shall appear to have been unequally valued, and that such corrected valuation shall thereafter be the rule of valuation and assessment of real estate within this state.

Comptroller's duty.

IV. *And be it further enacted,* That the comptroller shall publish the notice which he is directed to publish in and by the last part of the seventeenth section of the act for the assessment and collection of taxes, in all the public newspapers printed in this state, and in addition to such notice, the following notices shall be given; the comptroller shall at least six months before the time for the redemption of lands sold for taxes expires, prepare a separate notice for each county in this state, in which at the time there shall appear to be any lands sold, and which remain unredeemed, specifying particularly every parcel of land remaining so unredeemed. and the amount necessary to be paid in order to redeem the same, calculating the interest to the last day on which redemption can be made, and shall thereupon transmit the several notices so prepared, by mail, at the expense of this state, to the county treasurers of said counties respectively; and it shall be the duty of the said county treasurers respectively, to cause to be published forthwith in at least one of the public newspapers printed in their counties respectively, the said notice so to be sent to them, once a week for six weeks successively; and such notices shall be published in the body of the said newspa-

per and not in supplements, and the boards of supervisors shall audit and pay the expense of such publication; and in case no public newspaper shall be published in any of said counties, it shall be the duty of the county treasurer of any such county, to make two fair copies of said notice, one of which he shall affix to the door of the court-house, and shall deliver the other to the clerk of the county; and it shall be the duty of every such county clerk to suspend the said notice in some conspicuous place in his office, to the intent that the same may be seen and examined, and he shall permit all persons at all reasonable hours, to examine the same free of expense; and the said county treasurer shall keep the original notice in his office, and permit the same to be examined at all reasonable hours, free of expense.

V. *And be it further enacted*, That it shall be the duty of every town clerk in this state, at the opening of every town meeting for the election of town officers, to give notice that lists of all lands advertised for sale for taxes by the comptroller, are deposited in the said town clerk's office, where the same may be seen and examined at all reasonable hours, free of expense.

Duty of
town clerks.

VI. *And be it further enacted*, That the expense attending the sale of lands which may be sold for taxes, shall be a charge on the lands out of which sales may be made, and an equal part of such expense shall be added to the taxes, interest and other charges, on each parcel of land out of which a sale may be made.

Expenses of
sale, how to
be paid.

VII. *And be it further enacted*, That it shall be lawful for the comptroller, for two days previous to any sale for taxes, and during every such sale, to refuse payment of taxes.

Payments.

VIII. *And be it further enacted*, That if the comptroller shall discover at any time before he conveys lands sold for taxes, that the sale was for any cause whatever improper, he shall not convey the land so improperly sold, but shall pay the purchasers of such lands the sum which they would be entitled to, if such land had been regularly redeemed by the owner, and the sum so to be paid, shall be a charge against the county from which the return of the tax was made, if the cause why such sale was improper originated with the county.

Lands sold
improperly
not to be
conveyed.

IX. *And be it further enacted*, That it shall be lawful for the comptroller to receive the returns of all such arrears of taxes of the year one thousand eight hundred and fourteen, as were not returned to his office last year in proper time to be admitted, if the same shall have been returned this year in due time, and the said arrears so to be received and admitted, shall be subject to interest, and the land charged therewith be subject to sale therefor, in like manner as if the same were the tax of the year one thousand eight hundred and fifteen: *And further*, that the returns of arrears of taxes for the year one thousand eight hundred and fourteen, and one thousand eight hundred and fifteen, made from any county in this state, if certified by the collectors to be true transcripts from the original assessment rolls, shall be as valid as if certified by the county treasurers respectively; and also, that any such returns which may have been sworn to by the collectors, before a justice of the peace, instead of being sworn to before the county treasurer, shall also be valid, notwithstanding any omission to certify that it was in consequence of the absence of the county treasurer that the same was so sworn to.

Returns to
be received
by the
comptroller.

Erroneous
charges to
be cancelled

X. *And be it further enacted*, That if it shall appear to the comptroller, that any charge of arrears of the direct tax of the United States, returned to his office as unpaid, hath been paid to any of the collectors of said tax, or that the same lands have been twice charged with the same tax, he shall cancel the erroneous charge on the books of his office.

Part of this
act to be
printed for
each town.

XI. *And be it further enacted*, That it shall be the duty of the comptroller of this state, forthwith to cause a number of copies of the first, second, and third sections of this act to be printed, sufficient to furnish each county treasurer, each supervisor, each town clerk, and each collector of taxes within this state, with one copy, and shall transmit by mail, at the expense of this state, to the county treasurers respectively, a sufficient number of said copies, to furnish the said county treasurers each with one copy, and the said town officers in their counties respectively, each with one copy; and it shall be the duty of the said county treasurers respectively, at the expense of their counties respectively, to transmit without delay, the necessary number for the towns respectively, to the town clerks, and the said town clerks shall deliver one copy to each assessor and collector in their towns respectively.

Taxes, how
to be assess-
ed in certain
cases.

XII. *And be it further enacted*, That in all cases in which it shall happen that the line dividing two towns shall intersect any dwelling house, it shall be the duty of the supervisors of the county in which such towns are situate, to direct the owner or occupant of such house to be assessed in that town in which the greater part of such house is; and the said owner or occupant shall be assessed according to such directions and not otherwise; and it shall be the duty of the said board of supervisors to hear such evidence as may be offered to them, to shew in which town the greater part of the said house shall be, and to determine and give directions accordingly.

CHAP. CCV.

AN ACT *authorising a loan of money to the county of Clinton, for the purposes therein mentioned, and for other purposes.*

Passed April 17, 1816.

Loan.

When pay-
able.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That the comptroller shall loan, out of any monies in the treasury not otherwise appropriated during the present session for public purposes, on the bond of the supervisors of the county of Clinton, or of a majority of them, the sum of one thousand dollars, payable the one half on the first of March, in the year one thousand eight hundred and twenty-one, and the residue on the first day of March, in the year one thousand eight hundred and twenty-two, with interest on both sums annually, on the first day of March in each year, to be charged on the several sums which may be advanced by the comptroller, from the time of making the advance.

To be raised
by tax.

II. *And be it further enacted*, That it shall be the duty of the supervisors of the said county of Clinton, to cause to be raised, levied and paid in the manner the other contingent charges of the

county are raised, the said sum of one thousand dollars, with usual charges and the interest in manner aforesaid, at such times as will enable them to repay the same in the manner directed by the first section of this act; and it is hereby made the duty of the treasurer of the county of Clinton, annually to account for and pay to the treasurer of this state, the interest and the principal of the said sum of money, at the times above directed, for all which payments credit shall be given by the said comptroller on the bond of the said supervisors.

III. *And be it further enacted*, That the supervisors aforesaid may and shall apply any unappropriated money in the treasury of the county of Clinton, not exceeding four thousand dollars, towards defraying the expense of erecting and finishing the court-house and gaol in and for the said county of Clinton, and they may, as occasion requires, draw on the treasurer of the said county for the payment of any money due on account of erecting or finishing the said court-house and gaol; and the treasurer shall pay on the order of the said supervisors, all monies in the treasury. Court-house and gaol to be finished.

IV. *And be it further enacted*, That so much of the act, entitled "an act to authorise the building a bridge over the Big Chazy river," as requires a passage to be left over the deepest part of said river of the width of sixty feet, and also so much of the said act as vests the power of removing the said bridge, in certain cases in the said act mentioned, in the judges and assistant justices of the court of common pleas of the county of Clinton, or a majority of them when in session, be, and the same is hereby repealed; and instead thereof, the said passage so to be left between the buttments of said bridge, shall be of the width of at least forty feet in the deepest part of said river; and the same power as was given in and by the act aforesaid to the said judges and assistant justices of the court of common pleas for the county of Clinton as aforesaid, to remove the said bridge in certain cases, shall be vested in the judges and assistant justices of the court of common pleas of the county of Essex, or a majority of them, when in session, any thing contained in the act aforesaid to the contrary notwithstanding. Act relative to the bridge over Chazy river altered

CHAP. CCVI.

AN ACT to erect a new town from the towns of Sparta and Naples, in the county of Ontario.

Passed April 17, 1816.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That from and after the first Monday of April next, all that part of the town of Sparta, beginning at the north-east corner of said town, running westerly on the north line of said town of Sparta three miles; thence southerly, parallel with the east line of said town, to the south line of said town; thence easterly on the south line of said town, to the south-east corner of the said town of Sparta; thence easterly on the south line of the town of Naples five and an half miles; thence northerly parallel with the west line of said town of Naples, to the north line of said town; Town of Springwater erected.

thence westerly on the north line of said town, to the place of beginning, is hereby erected into a new town by the name of Springwater; and the first town meeting shall be held at the school-house in school district number one, in the new town of Sparta.

II. *And be it further enacted*, That the remaining part of the town of Sparta shall be and remain a separate town by the name of Sparta; and the remaining part of the town of Naples shall be and remain a separate town by the name of Naples.

Poor money
&c. to be
divided.

III. *And be it further enacted*, That as soon as may be after the first Tuesday of April next, the supervisors and overseers of the poor of the said towns of Springwater and Sparta, likewise of the town of Springwater and the town of Naples, on notice being first given for that purpose, by the supervisors thereof, shall meet together and divide the money and the poor belonging to the said towns of Sparta and Naples, previous to the division thereof, agreeably to the last tax list in said towns, and that each of the said towns shall forever thereafter respectively maintain its own poor.

CHAP. CCVII.

AN ACT for the relief of Horatio Jones.

Passed April 17, 1816.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the comptroller shall audit and settle the amount of compensation due to Horatio Jones, for expenditures and public services rendered on various occasions, as Indian interpreter, and that the treasurer shall, on the warrant of the comptroller, pay the same out of any monies in the treasury, not otherwise appropriated.

CHAP. CCVIII.

AN ACT to divide the town of Halfmoon into two towns.

Passed April 17, 1816.

Town of
Waterford
erected.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That all that part of the town of Halfmoon, in the county of Saratoga, lying south of a line, beginning at the entrance into the Mohawk river of a certain creek or run of water, which crosses the road leading from the village of Waterford to Ballston, at the foot of the hill, a little to the north-westward of the present dwelling house of Claudius Stannard; thence up the same to where it crosses the road as aforesaid; thence south seventy-three degrees and thirty minutes east, one hundred and sixty chains and thirty links, to where a certain creek or run of water, commonly called the Mudder Kill, intersects the public road leading from the village of Waterford to Stillwater; thence according to the course of said last mentioned creek, to its entrance into the Hudson river, be, and the same is hereby erected into a separate town, by the name

of Waterford; and that the first town meeting of said town shall be held at the house of Samuel Demarest, in the village of Waterford; and the residue of the aforesaid town of Halfmoon, shall remain a distinct town by the name of Orange; and the first town meeting shall be held at the dwelling house of William Neff junior, in said town.

II. *And be it further enacted*, That it shall be lawful for the inhabitants of either of the aforesaid towns, at any time previous to the next annual town meeting, ten days previous notice thereof having been given by public advertisements put up in three public places in such town, signed by at least ten freeholders of said town, to meet and elect such town officers, in addition to those residing within such town, and elected at the last annual town meeting of the aforesaid town of Halfmoon, as they may deem necessary, agreeably to the provisions of the act, relative to the duties and privileges of towns, passed March nineteenth, one thousand eight hundred and thirteen.

Officers how
to be elected

III. *And be it further enacted*, That the town of Waterford shall forever hereafter support all such paupers as were located within the limits of said town, on the first day of March last, and the residue of the paupers of the aforesaid town of Halfmoon shall be supported by the town of Orange: *And further*, it shall be the duty of the present supervisor of the town of Halfmoon, after the taxes of the current year shall have been paid into his hands, and after having discharged all existing claims against said town, to divide and pay over to the overseers of the poor of the towns of Waterford and Orange respectively, all such surplus monies as may remain in his hands, in such proportion as they may have been collected from the inhabitants of the said towns respectively: And the annual town meetings in each of the aforesaid towns shall hereafter be held on the first Tuesday of April.

Paupers to
be supported.

Poor money
to be divided

CHAP. CCIX.

AN ACT to appoint two additional commissioners to lay out a road from Hadley landing to intersect the great road leading from Glen's Falls to Schroon lake, and for other purposes.

Passed April 17, 1816.

WHEREAS it is represented to this Legislature, that the commissioners appointed by an act, passed the twelfth day of February, one thousand eight hundred and thirteen, to lay out a road from Hadley landing, to intersect the great road leading from Glen's Falls to Schroon lake, have not laid out the whole of said road agreeably to the provisions of said act: *And whereas*, a great number of persons, immediately interested in said road, have prayed this Legislature to add two other persons to said commission: Therefore,

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That in addition to the act, entitled "an act to lay out and improve a road from Hadley landing, to intersect the great road leading from Glen's Falls to Schroon lake." *Commissioners*
Archibald Nobles, of the town of Johnsburgh, and Hobby Mead, of

the town of Chester, be, and they are hereby appointed commissioners, to act in concert with the other commissioners, appointed in and by the act above recited.

Their pay.

II. *And be it further enacted*, That any three or more of the commissioners appointed as aforesaid, may complete the laying out of the said road, and shall be entitled each to one dollar and fifty cents per day, during the time they shall severally be employed in such service, to be paid out of the funds appropriated to the improvement of said road, by the act entitled "an act, in addition to an act, entitled "an act to lay out and improve a road from Hadley landing, to intersect the great road leading from Glen's Falls to the Schroon lake," passed April fourteenth; one thousand eight hundred and fifteen.

Preamble.

And whereas it is represented to the Legislature, that the sum of five thousand dollars, appropriated by the above recited act, to build a bridge over the middle branch of Hudson river, will not all be expended in building the said bridge: Therefore,

Surplus money to be applied to making the road.

III. *Be it further enacted*, That if any part of the said sum of five thousand dollars shall remain unexpended, after completing said bridge, it shall be the duty of the commissioners appointed to lay out and improve a road from Hadley landing, to intersect the great road leading from Glen's Falls to the Schroon lake, to lay out and expend such sum of money as may remain unexpended, in opening and improving said road in such manner as they shall deem best: *And further*, that the superintendent for building said bridge, shall pay to the said commissioners, all such sum or sums of money as may remain in his hands unexpended, of the said sum of five thousand dollars, after completing the said bridge, and the receipt of the said commissioners, or a majority of them, shall be allowed by the comptroller, in accounting with the said superintendent.

Bonds to be given.

IV. *And be it further enacted*, That previous to the receiving the said sum of money, the said commissioners shall enter into a bond with such security, and in such sum as shall be approved by the comptroller, with whom the same shall be filed, with condition that they will faithfully expend and account for the said sum of money, according to the true intent and meaning of this act; and the certificate of the said comptroller shall be considered as proof of the said commissioners having filed such security.

CHAP. CCX.

AN ACT to amend the act, entitled "an act for determining differences by arbitration, and for other purposes.

Passed April 17, 1816.

Arbitrators may swear witnesses.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for any justice of the peace, residing in any city or county in this state, in which any dispute, controversy or difference whatsoever, may have been submitted to arbitration, either by bond or other agreement, written or parol, to swear or affirm the several witnesses

required to give testimony before said arbitrator or arbitrators; and in case any witness so sworn or affirmed shall wilfully and corruptly swear or affirm falsely, he shall be subjected to all the pains and penalties imposed by the act, entitled "an act to prevent perjury."

II. *And be it further enacted*, That the eighth section of the act, entitled "an act to lay a duty on strong liquors, and for regulating inns and taverns," passed 7th April, 1801, be, and the same is hereby extended to all boats and vessels, moved by steam or fire, and constructed and used for transportation or conveyance of passengers on any of the waters within this state. Steam boats regulated.

CHAP. CCXI.

AN ACT to incorporate the Freholders and Inhabitants of the village of Stillwater.

Passed April 17, 1816.

I. *Be it enacted by the people of the State of New-York, represented in Senate and Assembly*, That the district of country comprehended within the following bounds, to wit, beginning at a point in the line dividing the counties of Saratoga and Rensselaer, directly east of the mouth of Stillwater creek, running thence to the mouth of the said creek; thence up the said creek, as it winds and turns, half a mile; thence northerly to the north-west corner of the farm of William Patrick, junior; thence along the north bounds of the said farm easterly, to the bank of the Hudson river, and in that direction to the east bounds of the county of Saratoga; thence southerly along the east bounds of the county of Saratoga, to the place of beginning, shall continue to be known and distinguished by the name of the village of Stillwater; and the freeholders and inhabitants who are qualified to vote at town meetings, who may from time to time reside within the said limits, may, on the first Tuesday of May next, meet in the said village, at such time of the day and place as may be appointed by any justice or justices of the peace within the town of Stillwater, and notified to the inhabitants of said village, at least one week previous thereto, and then and there proceed to elect five discreet freeholders, resident within the said village, to be trustees thereof; who, when chosen, shall possess and exercise the several powers and rights herein after specified: And such justice or justices shall preside at such meeting, and shall declare the several persons having the greatest number of votes to be duly chosen trustees; and every first Tuesday of May thereafter, there shall be an annual election of trustees for the said village, at such place within the said village as the trustees for the time being shall notify, giving at least one week's notice, by setting up the same in at least three public places in said village, and the said trustees shall preside at such annual meeting. Boundaries.
Time for freeholders to meet.
Trustees to be chosen.
Annual election.

II. *And be it further enacted*, That the freeholders and inhabitants residing within the aforesaid limits be, and they are hereby ordained, constituted and declared to be, from time to time, and for- Freeholders declared to be a body politic.

Style. ever hereafter, a body politic and corporate, in fact and in name, by the name of "the Trustees of the village of Stillwater;" and by that name they and their successors forever shall and may have perpetual succession, and be persons in law capable of suing and being sued, pleading and being impleaded, defending and being defended, in all courts and places whatsoever, in all manner of actions, complaints and causes whatsoever; and that they and their successors may have a common seal, and may alter the same at their pleasure; and that the said trustees and their successors shall be in law capable of purchasing, holding, receiving and conveying any estate, real or personal, for the use of the said village; provided the said real estate shall be within the said village; and of erecting any public buildings for the use of the said village, and of raising money by tax for erecting such public buildings, purchasing such real or personal property, procuring fire engines and other utensils for extinguishing fires, and for making a reasonable compensation to the officers of the corporation, and for making any necessary repairs or improvements in said village; which money, so to be raised, shall be assessed upon the freeholders and inhabitants of the said village, according to law, by the assessors of the said village, and collected by the collector of the corporation, to be chosen by the trustees of said village annually, in like manner as the taxes of towns and counties are collected, by virtue of a warrant to him directed by a majority of the trustees: *Provided nevertheless*, that no taxes shall be levied, or monies raised, assessed or collected, for the purposes aforesaid, or any other purpose, and no purchase or sale of any real estate made, and no public buildings erected or disposed of, without the consent of the legal voters of the said village in open meeting, duly warned and notified, first given and expressed by a majority of votes then and there given: *Provided also*, and it is hereby made the duty of said assessors, in assessing the taxes so to be raised upon the inhabitants of said village, to have regard both to the property and relative situation of each individual, so as that the said taxes may be assessed in an equitable and just manner, of and from the owners and occupants of the houses and lands in said village, in proportion, nearly as may be, to the property and to the advantages which each shall be deemed to receive from the improvements or purchase to be made by said money when collected: *And provided also*, that if any person shall conceive himself or herself aggrieved by any such assessment, it shall be lawful for such person to appeal from the said assessors to the trustees of the said village, in ten days after such assessment shall be made, and public notice thereof given, giving notice to the said assessors or any one of them of such appeal, and the time and place of determining thereon by said trustees, who shall hear the same and do justice in the premises.

Assessments

Proviso.

Assessments to be apportioned.

Proviso

Right of appeal.

What notice to be given.

Object of the assessment to be specified. III. *And be it further enacted*, That it shall be lawful for the inhabitants of said village, as often as they shall vote to raise any sum or sums of money for any of the purposes aforesaid, to specify, as far as is convenient, the particular purpose for which said sum or sums, or any part thereof, shall be appropriated, that the assessors

may have regard thereto in assessing the same upon the respective inhabitants of said village.

IV. *And be it further enacted*, That it shall be lawful for the trustees of the said village, or the major part of them, and their successors, to make, ordain, constitute and publish such prudential *By-laws*, rules and regulations, as they from time to time may deem meet and proper, and such particularly as are relative to the streets, *Powers of the trustees*, alleys and highways of the said village; and draining, filling up, repairing, keeping in order and improving the same; relative to slaughtering houses, and nuisances generally; relative to a village watch, and lighting the streets of the said village; relative to restraining geese, swine or cattle of any kind; relative to the better improving of their common lands; relative to the inspection of weights and measures; relative to the keeping and regulating hay scales; and relative to any thing whatsoever that may concern the public and good government of said village; but no such by-laws shall extend to the regulating or fixing the prices of any commodities or articles of provision offered for sale: *Provided also*, that such *Provisi.* by-laws be not contrary to, nor inconsistent with the laws of this state, or of the United States: And it shall also be lawful for said trustees, to require the householders and occupants of buildings in the said village, under suitable penalties, to furnish themselves with fire buckets, and other necessary utensils for extinguishing fires, and also keep their fire places and chimnies clean and in good repair.

V. *And be it further enacted*, That the said trustees, or the major part of them, as often as they shall make, ordain and publish any by-laws for the purposes aforesaid, may make, ordain, limit and provide, such reasonable fines, penalties and forfeitures, against *Penalties & forfeitures*, the offenders of such by-laws, as they may think proper, never exceeding twenty-five dollars for any one offence, to be prosecuted and recovered before any justice of the peace, or court having cognizance of the same, by the trustees, to and for the use of the said corporation; and in all cases it shall be deemed sufficient for said trustees, in any suit or action to be brought for any such fines, penalties and forfeitures, to declare generally, that the defendant or defendants are indebted to the trustees of the village of Stillwater, in the amount of such fine, penalty or forfeiture, to be paid to the said trustees for the time being, when thereunto required, and under such declaration to give the special matter in evidence; and the freeholders and inhabitants of said village shall be deemed, and are hereby declared competent to give testimony in any cause wherein the said trustees are a party, notwithstanding any remote interest which they may have as members of said corporation.

VI. *And be it further enacted*, That the person in possession of *Taxes*, any real estate in the village of Stillwater at the time any tax is assessed, shall be liable to pay the amount assessed thereon; and in case such person is not bound by contract or otherwise, to pay such tax or any part thereof, he or she shall and may recover the same from the owner of such real estate, or other person whose duty it was to have paid the same; and all taxes upon any real estate in said village shall be a lien thereon.

VII. *And be it further enacted*, That the inhabitants of said village of Stillwater, qualified to vote at town meetings, at the annual

Assessors, & Treasurer. meetings in every year hereafter to be held for choosing trustees, or any other meeting duly notified, shall, and they are hereby authorised, to choose by a major vote, not less than three nor more than five judicious freeholders, inhabitants of said village, as assessors, and one treasurer.

Collector & Clerk.

VIII. And be it further enacted, That it shall be the duty of the trustees, or a majority of them, and they are hereby authorised and empowered, to appoint, under the hand of the president and seal of the village, one collector and one clerk; and it shall be the duty of the said clerk to keep a faithful record of all the doings and votes of the inhabitants of said village, at their annual and other legal meetings, in a book for that purpose to be provided by the trustees; and to attend the meetings of the trustees, and to record the laws, orders and proceedings of the trustees, in a book provided for that purpose by the trustees: And the said trustees may remove their collector and clerk, and appoint others in their stead, and appoint a clerk pro tempore.

Officers to make oath.

IX. And be it further enacted, That the trustees, assessors, treasurer, collector and clerk shall, within ten days after their election and appointment, and before they proceed to the exercise of their several offices, respectively take and subscribe an oath or affirmation, before any justice of the peace in said village or county of Saratoga, that they will faithfully execute the office or trust to which they may be severally chosen or elected; and the treasurer and collector, hereafter to be chosen or elected, shall, before they enter upon the duties of their respective offices, give such security for the faithful performance of the trust reposed in them, as the major part of the trustees, for the time being, shall deem sufficient; and that election of officers by the freeholders and inhabitants shall be by ballot.

And whereas it is necessary for the good government of the said village, that it should be more particularly the business of some one of the trustees of said village to attend to its more immediate concerns: Therefore,

Trustees to choose a president.

X. Be it further enacted, That the trustees, within ten days after their election, in every year thereafter, or the major part of them, shall, and it is hereby made their duty, to assemble in some convenient place in said village, and there to choose and appoint some one suitable person of their body, to be president of said board of trustees, whose duty it shall be, when present, to preside at the meeting of the trustees; to order extraordinary meetings of the trustees whenever he shall think proper; to receive complaints of the breach of any of the laws; to see that the by-laws, rules and ordinances are faithfully executed and observed, and to prosecute, in the name of the trustees, all offenders against such by-laws; and whose duty it shall be, more particularly, to see that the public property belonging to the said village, and relating to the fire engines and utensils, be suitably taken care of and kept in order; and to do such other acts and things as may be proper for him, as president of the board of trustees, to do: And in case of the death or disability of such president, the said trustees shall proceed to choose out of their body a successor, in manner as above mentioned.

XI. *And be it further enacted*, That the collector shall, within ^{Collector's duty.} such time as shall be hereafter specified by the by-laws of said corporation, next after the receipt of his warrant for the collection of any tax that may have been ordered to be raised, collect and pay over the same to the treasurer; and all monies at any time in the hands of the treasurer, shall be liable to be drawn out by the trustees, or a major part of them, and applied and disposed of as shall have been directed by the inhabitants of said village.

XII. *And be it further enacted*, That the trustees shall keep a ^{Accounts to be kept.} just and accurate account of their necessary expenses and disbursements, at all reasonable times open to the inspection of the inhabitants of the said village; and on exhibiting the same to the treasurer, shall be entitled to receive the amount thereof out of any money in the treasury; and that the treasurer, collector, assessors and clerk shall be paid for their several services, such suitable compensation as the said trustees, or a majority of them, by a by-law of the corporation, shall provide; and that the said trustees shall reserve for their services, such reasonable compensation, as the inhabitants of said village, at their annual meetings, shall think proper to grant and allow.

XIII. *And be it further enacted*, That the trustees to be elected ^{Duration of office.} by virtue of this act, shall continue in office, and be authorised to exercise all the powers and perform all the duties in this act contained, and belonging to their office of trustees as aforesaid, until the first Monday of May next following after their election as trustees as aforesaid, and until a new election for trustees of the said village shall be made, pursuant to this act, and until the said trustees so last chosen shall take and subscribe the oath or affirmation of the office of trustee.

XIV. *And be it further enacted*, That the said village of Stillwater be, and the same is hereby constituted a road district, subject to be subdivided by the said trustees, and that the same be exempt ^{The village to constitute a road district.} from the superintendence of the commissioners of highways of the town of Stillwater; and the said trustees of the village of Stillwater shall have all the powers over the said road district, and discharge all the duties which by law are given to or enjoined upon the said commissioners of highways, and subject to the like restrictions and appeals; and it is hereby declared lawful for the inhabitants of the said village, at their annual meetings as aforesaid, to choose an overseer of highways for each and every subdivision in said road district, as shall be laid out by the said trustees; which overseers or pathmasters shall have all the powers and discharge all the duties in their several districts or subdivisions which by law are given to or enjoined upon other overseers of highways, giving in their lists, and being accountable to said trustees, in the same manner as other overseers of highways are bound by law to do, to the town clerk and to the commissioners of the highways.

XV. *And be it further enacted*, That it shall be the duty of the said trustees, or a majority of them, and they are hereby authorised and empowered to appoint, under the hand of the president of the board and seal of the village, three fire wardens, and a company of fifteen firemen, out of the inhabitants of said village, to have the care, management, working and use of the fire engine or ^{Firemen}

engines which may belong to the said village, and also the tools and implements for extinguishing fires; and the said trustees, or a majority of them, are hereby authorised to remove or displace all or any of the fire wardens or firemen, so as aforesaid to be elected and appointed, when and as often as they shall think fit, and others in their stead to elect, nominate and appoint.

Penalty for
refusing to
serve in
office

XVI. *And be it further enacted*, That if any of the inhabitants of the said village, qualified as aforesaid, shall be elected or chosen a trustee, and having notice of his said election, shall refuse or neglect to take upon him the said office, it shall be lawful for the trustees who do accept the said office, to impose at their discretion a fine upon any person so neglecting or refusing, not exceeding twenty-five dollars, to be recovered in the same manner as other fines and penalties are to be recovered by virtue of this act, and to the use of the said village.

Declared a
public act.

XVII. *And be it further enacted*, That this act be, and is hereby declared to be a public act, and shall be construed benignly and favorably for every beneficial purpose herein intended.

CHAP. CCXII.

AN ACT for the improvement of the navigation of the Mohawk and Hudson Rivers.

Passed April 17, 1816.

Preamble.

WHEREAS it is represented to this Legislature, that the waters of the Mohawk river may be connected with the waters of the Hudson, by an easy and practicable route for all purposes of boat navigation, by means of a canal and locks, to be erected on the north side of the great Cohoes falls on the said Mohawk, and the navigation of the said Mohawk river improved from the city of Schenectady to the said falls, to the great advantage of the agricultural and commercial interests of this state.

And whereas certain persons by their petition have prayed, that an act of incorporation may be passed for that purpose: Therefore,

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That Samuel Reynolds, John Cramer, Guert Van Schoonhoven, Elijah James, Elias Parmelee, and all such persons as may associate with them for that purpose, and shall become stockholders in the said company, shall be and hereby are ordained, constituted and declared to be a body corporate and politic, in fact and in name, for the purpose of opening and improving a lock navigation, from the navigable waters of the Hudson river, to be extended to the city of Schenectady, around the Cohoes falls, on the north side of the Mohawk river, and to be called and known by the name of the "President, Directors, and Company of the Hudson and Mohawk Lock Navigation in the state of New-York," and by that name they and their successors shall and may

S: Reynolds
& others in
incorporated.

Style, &c.

suing perpetual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and in all manner of actions, suits, com-

plaints, matters and causes whatsoever; and that they and their successors may have a common seal, and may change and alter the same at their pleasure, and also that they and their successors, by the same name, shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of the said corporation.

II. *And be it further enacted,* That a share in the said company shall be fifty dollars, and the number of shares shall be ten thousand; and subscriptions shall be kept open under the direction of the president and directors of said company, until the said number of shares shall be subscribed, and at such times and places as they or a majority of them shall think proper: And the whole amount of the stock, estate and property, which the said corporation shall be authorized to hold, including the capital stock above mentioned, shall never exceed in value five hundred thousand dollars. Stock.

III. *And be it further enacted,* That the stock, property, affairs and concerns of the said corporation, shall be managed and conducted by thirteen directors, one of whom to be president, who shall hold their offices for one year, and shall be stockholders and citizens of this state, and shall be elected on the first Monday in October in every year, at such place as a majority of the directors (who shall upon all occasions constitute a board for doing business) for the time being shall appoint; and public notice shall be given by the said directors, in the newspaper printed by the printer to this state, and in the newspaper printed in the village of Waterford, not more than fourteen, nor less than seven days previous to the day of holding said election; and the said election shall be held and made by such of the stockholders of the said company, as shall attend for that purpose, either in person or by proxy, which proxies shall always be stockholders; and all elections shall be by ballot, (each stockholder being entitled to as many votes as he shall hold shares in said company) and the persons who shall have the greatest number of votes, shall be directors; and if it should happen at such election, that two or more persons have an equal number of votes, then the said directors in office, present at the time of such election, shall proceed to ballot, and by plurality of votes determine which of the said persons so having an equal number of votes shall be the director or directors, so as to complete the whole number of thirteen; and the said directors, chosen at such election, as soon as may be thereafter, shall proceed in like manner to elect by ballot, one of their number to be their president: And if any director shall move out of this state, his office shall be considered as vacant; and whenever any vacancy or vacancies shall happen among the directors, by death, resignation or removal, such vacancy or vacancies may be filled for the remainder of the year in which they shall happen, by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint: And the first directors shall be Samuel Beynolds, Elisha Williams, James Hiccock, Moses Scott, Abraham C. Lansing, Samuel Demarest, John Williams, Elijah Jones, Mathew L. Davis, Joshua Mandavill, Cadwallader D. Colden, John Hause and Asa Burt, and shall hold their offices, respectively, until the first Monday of October, one thousand eight hundred and seventeen. Affairs, how to be managed.
Election of directors.

Election
may be held
on any day.

IV. *And be it further enacted*, That in case it should at any time happen, that an election of directors should not be made on any day when, pursuant to this act, it ought to have been done, the said corporation shall not for that cause be deemed to be dissolved, but that it shall and may be lawful, on any other day, to hold and make an election of directors, in such manner as shall have been regulated by the by-laws and ordinances of the said corporation.

By-laws.

V. *And be it further enacted*, That the directors for the time being, or a major part of them, shall have power to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said corporation; the duties and conduct of the officers, clerks and servants, employed therein, the election of directors, and all such other matters as appertain to the business and concerns of the said company; and shall also have power to appoint such officers, agents, clerks, superintendants, engineers, workmen, and others under them, as shall be necessary for executing the business of said corporation, and with such salaries and allowances, as to them shall seem meet: *Provided*, that such by-laws, rules and regulations be not repugnant to the constitution and laws of the United States or of this state.

Proviso.

Meetings.

VI. *And be it further enacted*, That the president of said company shall have power to call special meetings of the directors, and together with any two of the directors, to call special meetings of the stockholders, whenever the same shall be deemed expedient, first giving fourteen days previous notice thereof, in the newspapers heretofore mentioned in this act.

Power to cut
& construct
the canal.

VII. *And be it further enacted*, That the said company hereby incorporated, shall have full right, power and authority, in addition to the powers hereby above granted, to cut, construct and make a canal, or otherwise improve the navigation of the Mohawk river from the city of Schenectady to some convenient place above the great Cohoes falls, on the north side of the said Mohawk river; and from thence to construct and make a canal around the said falls, on the north side thereof, extending into the Hudson river; and to construct in such canal, and in the waters and places adjoining the same, all such locks, dams, and other works and devices, as shall be necessary for the purpose of making a complete navigable water communication, between the Hudson and Mohawk rivers, to the said city of Schenectady: *Provided*, that every such canal shall not be less than thirty feet broad at the bottom or base, nor any lock less than sixteen feet broad and one hundred feet long in the clear, between the gates thereof: *And provided also*, that nothing herein contained shall be construed to prevent this state from making, or authorising to be made, a canal, or from otherwise improving the navigation of the said Mohawk river, from the west bounds of the city of Schenectady, to some convenient place above the great Cohoes falls, on the southerly side of the said river, nor from making use of any quantity of the waters of the said river, not exceeding two thirds of the same, for the purpose of constructing a canal navigation from above the said Cohoes falls to the Hudson, on the south side of the said river; and for constructing mills and other hydraulic works and purposes.

Proviso.

VIII. *And be it further enacted*, That every lock to be constructed in the said canal or elsewhere, for the improvement of the said navigation, shall be made of solid mason work, and faced with smooth or hewn stone, and the canal and locks shall be constructed in such manner, as that boats or vessels, drawing three feet of water when loaded, may pass through the same: *And further*, the said locks shall be so planned and constructed, as, that in case it should be deemed hereafter expedient, additional locks may be formed and constructed by the sides thereof, so as to form double locks, for the passage of boats, vessels or rafts through such double locks at the same time: And for the further encouragement of the said corporation to prosecute the object of this grant,

IX. *Be it further enacted*, That it shall and may be lawful to and for the said corporation, at all times and at any place (east of or below the junction of the said canal with the Mohawk river) where they shall have constructed a canal lock, embankment, dyke, pond, dam or other improvement, to sell, or lease the use of the water contained therein, or either of them, to any individual or individuals, or private company or companies, for mills or any other hydraulic works, or for irrigating any lands, or for supplying bleach grounds, tan pits or brick yards; and the profits or rents resulting therefrom, to take and receive, to and for the use and benefit of the said corporation, in addition to the tolls and profits herein after mentioned and allowed to be taken: *Provided*, that the navigation of the said canal be not thereby impeded or obstructed: *And provided further*, and this act is on the express condition, that no part of the capital stock of the company hereby incorporated, shall at any time be used in banking, merchandizing, milling, or the erection of mills, or in any business or pursuit different from the declared object of this bill: *Provided always*, that nothing in this act contained shall be construed to prevent any person or persons from making use of any waters, which they would be entitled to use if this act had not been passed.

X. *And be it further enacted*, That the said corporation, by the president and directors, or by any agent, superintendant, engineer, or other person employed in the service of the said corporation, may enter into and upon all and singular the land and lands, whether covered with water or not, where they shall deem it proper to carry the canal and navigation herein before described; and to lay out and survey such route as shall be most practicable for effecting the navigation, as aforesaid, by means of locks and other devices; doing, nevertheless, as little damage as possible to the ground and enclosures in and over which they shall pass; and thereupon, it shall and may be lawful to and for the said president and directors respectively, to contract and agree with the owner or owners of any land and tenements, for the purchase of so much thereof, as shall be necessary for the making, digging and perfecting the said canal, and for erecting and establishing all the necessary locks, works and devices, to such navigation belonging, if they can agree with such owner or owners; but in case of disagreement, or in case the owner thereof shall be feme covert, under age, non compos mentis, or out of the state, then it shall be lawful to and for the said president and directors, to cause a survey and map to be made of the ground in their estimation requisite, and which they may be by law authorised to take for the

Use of the waters may be sold or leased.

Provide.

The company may enter and take possession of lands,

doing as little damage as possible.

Surveys to be made.

uses aforesaid, in the field book of which survey and map, shall be distinguished, the land of each of the several owners and occupants, appropriated or intended to be appropriated as aforesaid, and the quantity thereof, and shall exhibit such field book and map to the justices of the supreme court or any two of them; and if such justices shall be of opinion that the land so surveyed, is not more than what is requisite for the said uses, and may be lawful for the said corporation to appropriate, they shall certify such field book and map under their hands and seals, and cause the same to be filed in the office of the clerk of the county in which the same lands may be situated, there to remain as a public record; and it shall thereupon be lawful for the said justices, by a writing under their hands and seals, to appoint not less than three nor more than five discreet persons, none of whom shall be interested in said corporation, or the land so surveyed as aforesaid, to appraise the premises specified in such field book: And it shall be the duty of the appraisers, or a majority of such as shall be appointed, to examine the land of each owner or occupant so appointed, and to ascertain the value thereof, and the damages each may sustain by such appropriation, and to make a regular entry of such valuation and assessment of damages, in a book to be by them kept for that purpose, and certify the same under oath to be a true, fair and impartial valuation and assessment to the best of their belief; and shall thereupon cause such book, the execution of such certificate being first duly proven or acknowledged, to be filed in the office of the clerk of the county as aforesaid, there to remain as a public record: And the said corporation, or their successors, upon paying to the several owners the sums of money so assessed as aforesaid, together with the costs of appraisement, shall immediately be vested with the fee simple of the lands and tenements mentioned and specified in such field book, filed in the office as aforesaid: *Provided* such payment, with interest, shall be made in one year after filing such certificate; and if default shall be made in making such payment, within the time herein specified, the lessee or lessees, owner or owners, of such lands or improvements, may at their discretion sue for and recover from the said corporation, the amount of such appraisement, with interest and costs, or by action of ejectment recover the said lands and improvements so entered upon by the said corporation, their agent, superintendant, engineer or other person in their employ: *And provided further*, that nothing in this section contained shall be construed as to authorise the said corporation to take any lands, tenements or property whatsoever, in any manner whatsoever, for any use or purpose whatsoever, other than for making and constructing the said canal.

Proviso.

Proviso.

Workmen, &c. may enter on lands.

XI. *And be it further enacted*, That it shall and may be lawful to and for the president and directors of the said company, and their superintendants, engineers, artists, workmen and laborers, with carts, waggons and other carriages, with their beasts of draft and burden, and all necessary tools and implements, to enter upon the lands contiguous or near to the tracts of the intended canal or canals and navigation, first giving notice of their intentions to the owner or owners thereof, and doing as little damage thereto as possible, and repairing any breaches they may make in the inclosures thereof, and making amends for any damages that may be sustained by the owners of such ground by appraisement, when a reasonable agreement with the

owner, or owners, if they can agree, and if they cannot agree then upon an appraisement to be made upon the oath of three, or if they disagree any two indifferent freeholders to be mutually chosen, or if the owner or owners refuse to join in the choice, to be appointed by any one of the justices of the supreme court, and on tender of the appraised value, to carry away any unwrought timber, stone, gravel, sand or earth, there being most conveniently situated for making or repairing the said canal or canals and navigation, and to use the same in carrying on the said work.

Damages,
how ascer-
tained.

XII. *And be it further enacted*, That it shall and may be lawful to and for the said president and directors of the said company, as soon as the said canal or canals and navigation shall be completed, to appoint such and so many collectors of toll for the passage of boats, vessels and rafts, in, through and along the same, and in such places, as they shall think proper; and that it shall and may be lawful to and for such toll collectors and their deputies to demand and receive of and from the persons having the charge of all boats, vessels and rafts of timber, boards, plank, scantling or wood, passing through the said canal or canals and navigation, and the locks thereto belonging, the following rates of toll, to wit: For every ton weight of the ascertained burthen of any boat or vessel, not exceeding one dollar; for every hundred feet cubic measure of timber, not exceeding fifty cents; for every thousand feet of board measure of boards, plank, or scantling in rafts, not exceeding fifty cents, and so in proportion for any smaller distance or less number of locks, in any interval between the said city of Schenectady and the Hudson river: *Provided*, that it shall at any time hereafter be in the power of the Legislature to reduce or regulate the said tolls as they shall think proper.

Collectors.

Rates of toll

Proviso.

XIII. *And be it further enacted*, That (in order to ascertain the tonnage of boats or vessels using the said canal and navigation, and to prevent disputes between the supercargoes and collectors of toll concerning the same,) upon a request of the owner or supercargo of any boat or vessel, or of the collector of said tolls at any lock upon the canal or canals and navigation, it shall and may be lawful for each of them to choose one person to measure and ascertain the number of tons which the said boat is capable of carrying, and to mark the same in figures upon the stem of the said boat or vessel in colors mixed with oil, and that the said boat or vessel so marked, shall always be permitted to pass through the said canal or canals and locks for the price per ton to which the number of tons so marked on her shall amount to, agreeably to the rate fixed in manner aforesaid; and if the owner or commander or supercargo of such boat or vessel shall decline choosing a person resident within four miles of the place where such toll is payable to ascertain the tonnage thereof, then amount of such tonnage shall be fixed and ascertained by a person to be appointed for that purpose by the collector of such tolls, at the lock where the toll is payable as aforesaid, and the toll shall be paid according to such measurement, before any such boat or vessel shall be permitted to pass the lock or place where such toll shall be made payable.

Tonnage to
be marked
on vessels

XIV. *And be it further enacted*, That if any person or persons whatsoever, shall wilfully and knowingly do any act or thing

Penalties for
injuring the
canal.

Vessels
may be
detained
till toll is
paid.

Officers to
give sureties

Fords and
bridges may
be made on
the canal.

Provide.

Canal may
be sold to
the state.

whosoever whereby the said navigation, or any lock, gate, engine, machine or device thereto belonging, shall be injured or damaged, he or they so offending shall forfeit and pay to the corporation fourfold the costs and damages by them sustained by means of such known and wilful act, together with costs of suit in that behalf expended, to be recovered by action of debt in any court having jurisdiction thereof.

XV. *And be it further enacted*, That the collectors of toll duly appointed and authorised by the president and directors of the said corporation, may stop and detain all boats, vessels and rafts using the said canal or canals and navigation, until the owner or commander, or supercargo of the same, shall pay the toll so as aforesaid fixed, or may distrain part of the cargo therein contained, sufficient by the appraisement of two credible freeholders, not being stockholders in the said corporation, to satisfy the same; which distress shall be kept by the collector of the tolls taking the same, for the space of eight days, and afterwards be sold by public vendue, at the most public place in the neighborhood, to the highest bidder, in the same manner and form as goods distrained for rent are by law sold, rendering the surplus on demand, if any there be after payment of the said toll and costs of distress and sale, to the owner or owners thereof.

XVI. *And be it further enacted*, That the president and directors of the said corporation may demand and require of and from their treasurer, and of and from all and every of the superintendants, officers and other persons by them employed, bonds in sufficient penalties and with such sureties as they shall by their rules, orders and regulations require, for the faithful discharge of the several duties and trusts to them or any or either of them respectively committed.

XVII. *And be it further enacted*, That whenever any canal authorised to be made by this act shall cross any public or private road or highway, laid out and established according to law, or shall divide the the grounds of any person so as to require a ford or bridge to cross the same, the president and directors of the said corporation shall cause a ford to be rendered passable, or a bridge fit for the safe and convenient passage of carts and waggons, to be built and forever thereafter maintained and kept in repair, at all and every of the places where the said canal shall cross a public or private road or highway as aforesaid, and at such place or places where the said canal shall divide the lands of any person, as shall make it convenient for the accommodation of the owner or owners of the land so divided as aforesaid, at the costs and charges of the said corporation; but nothing herein contained shall prevent any person from erecting and keeping in repair any ford or bridge across the said canal at his own expense where the same shall pass his ground: *Provided* such bridge shall be of such height above the water as shall be usual in the bridges erected by the said corporation: *And provided also*, that such ford or bridges so to be erected by the owners of such land shall not interfere with any of the locks, buildings or other works of the said corporation.

XVIII. *And be it further enacted*, That it shall be and hereby is made the duty of the said president and directors to bargain and sell all the right, title and interest of the said company, in and to the said canal or canals, locks and navigation, to be made, constructed

and improved under and by virtue of this act, to the people of this state, whenever the state shall deem it for their interest to purchase the same, for the use of the said people, the state paying therefor all such monies as shall have been bona fide laid out and expended by the said corporation, in making, constructing and improving the said canal or canals, locks and navigation, in and by this act contemplated and authorised to be made, constructed and improved, together with the interest thereof at and after the rate of seven per cent. or such part of the said interest as shall not have been received by the said company by the dividends derived from the tolls authorised by this act to be by them taken and received, and from the net proceeds of the profits arising from the use of the surplus water as aforesaid, over and above an interest of seven per centum per annum, and above all salaries or wages of officers and other just expenses incident to the managing and well ordering and conducting the affairs of said company, relative to the said canal or canals, locks and navigation, as aforesaid, reserving to the said company peaceable and quiet enjoyment of the use of the water of said canal or canals, locks, river or creeks, in pursuance of the power vested in them in and by the ninth section of this act, on their paying an equitable proportion of the expense of said canal and dam, to be assessed by commissioners to be appointed by the judges of the supreme court: *And further*, in order to ascertain the amount of money received as toll, it shall be and is hereby made the duty of the said president and directors to keep, or cause to be kept, a just and true account thereof, and once every year to exhibit the amount thereof, certified under the oath of their treasurer, to the comptroller of this state.

XIX. *And be it further enacted*, That if the corporation hereby made and created by this act shall not, within the term of five years, to be computed from the first day of January next, complete the said canal or canals, locks and navigation, in the manner contemplated by this act, this their charter, and all leases and privileges granted by the said corporation to any person or persons whatsoever, for using the water of the said Mohawk river for any purpose whatsoever, shall cease and become null and void, and all the rights and privileges hereby vested in the said corporation shall revert to the people of this state, any thing herein contained to the contrary notwithstanding.

Five years
allowed to
finish the
canal.

XX. *And be it further enacted*, That nothing in this act contained shall be construed so as to take away or infringe upon any rights or privileges, heretofore granted by the people of this state, to any individual or individuals or body corporate, without the leave of such individual or individuals, or body corporate: *And further*, that it shall be lawful for the owner of any lands, mill-seats, mill, or manufacturing establishments, situate on the Mohawk river or any branch thereof, to recover the damages he may sustain by diverting the water of the said river, or any portion thereof, into the canal or canals authorised to be cut, constructed and made as aforesaid, or by damming said river, by an action on the case, against the aforesaid company, in any court of record within this state, with costs to be taxed.

Private
rights not to
be infringed
by this act.

Stock, &c.
declared
personal
property.

XXI. *And be it further enacted*, That the estate, stock, interest and shares, of and in the said corporation, shall be considered as personal property, to all intents and purposes whatsoever.

This is a
public act.

XXII. *And be it further enacted*, That this act be and is hereby declared to be a public act, and the same shall be construed, in all courts and places, benignly and favorably for every beneficial purpose therein mentioned.

1-3d of the
waters of the
Mohawk
may be used

XXIII. *And be it further enacted*, That nothing in this act shall be so construed, as to authorise the said company to use, either for the said canal or for any other purpose, more than one third part of the water of the Mohawk river, from the city of Schenectady to the Hudson river.

CHAP. CCXIII.

AN ACT to incorporate the *Blooming-Grove and Grey Court Turnpike Company*.

Passed April 17, 1816.

H. Craig
& others in-
corporated.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That Hector Craig, Samuel Moffat, Selah Strong, John I. Brooks, and such persons as shall associate for the purpose of making a good and sufficient turnpike road, to begin at the head of the Blooming-Grove and New-Windsor turnpike road, near the dwelling-house of Samuel Moffat, and runs thence to or near the Blooming Grove meeting-house, and from thence to or near the dwelling-house of Joseph Brewster, keeping the route or track of the present road, as nearly as may be convenient and conducive to the interest of the said company and of the public, and thence from the dwelling-house of the said Joseph Brewster, above mentioned, on the most eligible and direct route to or near the grist-mill of Hector Craig, and from thence to the Warwick road, near the barn of William Townsend & Company; and the company hereby incorporated are created a body corporate and politic, by the name of "the President, Directors and Company of the Blooming-Grove and Grey-Court Turnpike," in fact and in name, and by that name they and their successors shall and may have continual succession, and be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all actions and complaints, matters and causes; and by that name and style shall be in law capable of purchasing, holding and conveying any estate, real and personal, for the use of the said corporation: *Provided*, that such estate, as well real as personal, so to be purchased and held, shall be necessary to fulfil the end and intent of the said corporation, and to no other purpose whatsoever.

Style, &c.

Stock.

II. *And be it further enacted*, That the stock of the said company hereby incorporated, shall consist of two hundred and forty shares, of twenty-five dollars each; and that Hector Craig, John I. Brooks, Samuel Moffat, Charles Howell, Hezekiah Moffat, Elnathan Saterlee and Nathan H. White, be and they are hereby appointed commissioners, to receive subscriptions for the said stock, in

the manner directed by the act, entitled "an act relative to turnpike companies," passed the 13th day of March, 1807, and shall be directors of said company for one year from the passing of this act, or until others are chosen in their stead.

III. *And be it further enacted*, That the said company hereby incorporated, shall erect one gate; and no more, on the said road, and that they shall be entitled to and exact sums not exceeding the following, to wit, from all persons travelling or using the same: for every score of hogs or sheep, eight cents; for every score of cattle, horses or mules, twenty cents, and so in proportion for a greater or less number; for every chair, sulkey or chaise, with one horse, twelve and an half cents; for every horse, rode or led, four cents; for every chariot, coach, coachee, curricle or phaeton, twenty-five cents; for every cart, drawn by one horse, six cents; for every stage-waggon or other four-wheeled carriage, drawn by two horses, mules or oxen, twelve and an half cents, and three cents for every additional horse, mule or ox; for every cart, drawn by two oxen, eight cents, and four cents for every additional horse, mule or ox; for every sleigh or sled, six cents, if drawn by two horses, mules or oxen, and so in proportion if drawn by a greater or less number of horses, mules or oxen, for every ten miles of said turnpike road, and so in proportion for any greater or less distance.

IV. *And be it further enacted*, That the number of directors for the said company shall be seven, four of whom shall be a quorum; and the company hereby created and incorporated, shall enjoy all the rights and privileges, and be subject to all the pains and penalties contained and expressed in the act relative to turnpikes, only as it respects the chord of the arch of said road, which shall be twenty-five feet wide, any thing in the aforesaid act relative to turnpike companies to the contrary notwithstanding.

CHAP. CCXIV.

AN ACT to lay out and improve a road from Snow's bridge, in the town of Lysander to the village, of Oswego.

Passed April 17, 1816.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That Seth Cushman, of the town of Lysander, Edmund Hawkes and William Moore, of the town of Hannibal, be and they are hereby appointed commissioners to lay out a road or highway four rods wide, beginning at or near Snow's bridge, in the town of Lysander, and pursuing from thence the most direct and eligible route through the towns of Lysander and Hannibal to the village of Oswego.

II. *And be it further enacted*, That each of the said commissioners shall, before he enters upon the duties of his office, take and subscribe an oath or affirmation before a justice of the peace of the county where he resides, that he will act without favor or partiality in the performance of the duties of his office.

III. *And be it further enacted*, That when the said commissioners shall have laid out the said road, they shall cause a descrip-

Descriptions of the route of the same to be recorded in the offices of the clerks of the said towns of Lysander and Hannibal; and the commissioners of highways of the said towns shall cause the said road to be opened and worked in their respective towns, in the same manner as if it had been laid out by the said town commissioners.

IV. *And be it further enacted*, That each of the said commissioners by this act appointed, shall be entitled to receive the sum of two dollars per day for each and every day they shall be necessarily employed in the duties aforesaid, the same to be raised, levied and collected in the same manner as the contingent expenses of towns are levied and collected.

CHAP. CCXV.

AN ACT to amend the act, entitled "an act to incorporate the village of Auburn."

Passed April 17, 1816.

Vacancies
how to be
filled.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That in case of vacancy, by death, removal, refusal, or incapacity of any of the assessors, treasurer, overseers of highways, or clerk, of the said village of Auburn, it shall be the duty of the trustees of said village, or the major part of them, to appoint some suitable person or persons, to fill such vacancy or vacancies; and the person or persons so to be appointed shall be vested with the like powers, and be subject to the same penalties and restrictions, as if elected by the freeholders and inhabitants of the said village.

Penalty for
not serving
when elect-
ed to office.

II. *And be it further enacted*, That if any of the inhabitants of the said village, qualified as required by the act hereby amended, shall hereafter be elected or appointed a trustee, or assessor, or treasurer, or clerk, or overseer of highways, and having notice thereof, shall refuse, deny, delay or neglect to take upon him or them to execute such office or trust, to which he or they shall be elected, then and as often as it shall so happen, it shall and may be lawful for the said trustees, or the major part of them, to assess and impose upon any such person or persons so neglecting, delaying, or refusing, such reasonable fine or fines, not exceeding twenty-five dollars, as they the said trustees, or a major part of them, may think fit, to be recovered by action of debt, with costs of suit, in the manner directed by the act hereby amended for the recovery of penalties or forfeitures imposed by the by-laws of the said trustees.

Collector's
powers.

III. *And be it further enacted*, That the collector of the said village shall at all times have and exercise the same powers in collecting the taxes, which may or shall have been ordered to be raised, by distress and sale, as the several collectors of towns have in the levying and collecting taxes; and that all fines, penalties and forfeitures, and all monies obtained in any manner whatsoever, by virtue of this act, shall be paid into the hands of the treasurer, for the use of the said village; and the treasurer shall and he is hereby authorised, in case any person having received any money by virtue of this act, or the act hereby amended, to and for the use and benefit

of the said village, and shall refuse and neglect to pay the same to him, to prosecute every such offender in the name of the trustees of said village, for monies had and received to and for the use of said village.

IV. *And be it further enacted*, That whenever any tax or assessment of any description, on lands or tenements which hath heretofore been, or hereafter shall be made and confirmed according to law, shall remain unpaid on the day upon which the collector of the said village is limited by the by-laws thereof, to account to the treasurer for the collection of the same, and the collector shall make affidavit before any judge or justice of the peace of the county of Cayuga, that the owner or owners of the premises on which the same is imposed, could not upon diligent inquiry be found within the village, or that being found, he, she or they, had not sufficient personal estate within the said village whereon the said tax could be levied, it shall and may be lawful for the trustees of the said village, to make an order requiring the treasurer of the said village to advertise the same in one or more of the public newspapers, printed within the county, at least once in each week successively for three months, thereby requiring the owner or owners of such lands and tenements respectively, to pay the amount of such tax, so remaining unpaid to the said treasurer, or that in default thereof such lands and tenements will be sold at public auction at a day and place therein to be specified, for the lowest term of years at which any person shall offer to take the same, in consideration of advancing the amount of the tax so remaining unpaid, together with all costs and charges accrued therein; and if notwithstanding such notice the owner or owners shall refuse or neglect to pay the amount of such tax, with the charges attending such notice and advertisement and the costs and charges aforesaid, then it shall and may be lawful for the said trustees, or a majority of them, to cause such lands and tenements to be sold at public auction for a term of years, for the purposes and in the manner expressed in the said advertisement, and to give a declaration of such sale to the purchaser, under the hand of the president, and seal of the said corporation; and such purchaser, his executors, administrators and assigns, shall, by virtue thereof, and of this act, lawfully hold and enjoy the same, for his and their own proper use, against the owner or owners thereof, and all persons claiming under such owner or owners, until his said term therein shall be fully complete and ended, and be at liberty to remove all buildings which he, she or they shall erect thereon during the said term, within one month after the expiration thereof: *Provided always*, that no such proceedings by sale as aforesaid, shall take place under any assessment heretofore or hereafter to be made and confirmed, unless in cases where the said assessment is declared by law to be a lien or charge on the lots assessed: *And provided also*, that it shall and may be lawful for such owner or owners to redeem such lands or tenements so sold, at any time within two years after such sale, by paying the principal sum for which the same has been sold, together with interest at the rate of fourteen per cent per annum.

Arrears of taxes, how to be collected

Proviso.

V. *And be it further enacted*, That it shall be lawful for the said trustees or a majority of them to lay out public highways within the said village, less than four rods wide, any law to the contrary not-
Highways.

withstanding; and also to call a public meeting of the freeholders and inhabitants of the said village, whenever they may deem it necessary.

Costs.

VI. *And be it further enacted*, That costs of suit shall be added to all recoveries hereafter to be had by virtue of this act, or the act hereby amended.

VII. *And be it further enacted*, That this act and the act hereby amended, shall be deemed and taken to be public acts, and shall be construed favorably and benignly by all courts of justice within this state.

CHAP. CCXVI.

AN ACT to authorise the commissioners of the Land-Office to supply the deficiencies in lots in the town of Sterling.

Passed April 17, 1816.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That in all cases in which grants have been made, or shall hereafter be made, of any number of acres of land to be taken from any specified lot in the town of Sterling, there shall appear to be a deficiency in such lot, to satisfy the grant the commissioners of the land-office may and shall grant by letters patent, as many acres from a contiguous lot, if possible, and if not, then from the next nearest lot vacant, and in such form as they may think proper, as may be sufficient to make up the deficiency.

CHAP. CCXVII.

AN ACT to incorporate the Utica Sugar-refining Company.

Passed April 17, 1816.

Preamble. WHEREAS it has been represented to this Legislature, that several persons of the village of Utica are desirous of an act of incorporation for the purpose of manufacturing loaf and lump sugars, and that such an institution may be the means of evincing, that those articles can be manufactured out of the common maple of our country, and therefore tend to diminish the amount of our imports from foreign nations.

And whereas such an establishment, even if foreign sugars be used, will be a laudable exertion of enterprise, in supplying community with an article which long custom has rendered nearly indispensable: Therefore,

I. BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That all such persons as now are, or hereafter shall be stockholders of the said company, shall be and are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, by the name of the "Utica Sugar-refining Company;" and that they and their successors, for the term of twenty years hereafter, shall and may have continual succession, and may have a common seal, and may change and alter the same

Company
incorpora-
ted.

at their pleasure, and by the name aforesaid, shall be persons in law possessed of full authority to contract with any person or persons whomsoever, and with any body corporate or politic whatsoever, for any of the objects hereinafter permitted; and of being as fully contracted with, and of suing and being sued, pleading and being impleaded, defending and being defended, answering and being answered unto, in all courts and places whatsoever, and in all manner of actions, suits, causes and complaints whatever; and by the name aforesaid, shall be capable of purchasing any raw, and selling any manufactured sugars, and of purchasing all articles necessary and proper to their business as sugar-refiners.

II. *And be it further enacted*, That a share in the stock of the said corporation shall be five hundred dollars, and the number of shares shall never exceed four hundred. Stock.

III. *And be it further enacted*, That the stock, property, estate, effects and concerns of the said corporation, shall be managed and conducted by directors, who shall be annually elected on the first Affairs to be managed by 5 directors. Tuesday of June, at such time of the day, and at such place, as a majority of the directors for the time being shall direct; and public notice shall in every case be given, of the number of directors to be elected, and the time and place as aforesaid, not less than ten days previously thereto, in one of the public newspapers printed in the village of Utica; and every election shall be made by ballot, and by such stockholders as shall attend either in person or by proxy, and each such stockholder shall be entitled to as many votes as he or she shall possess shares of stock in the said corporation; and the persons who shall be elected by the greatest number of votes, shall be the directors; and whenever any vacancy shall happen amongst the directors, by death, resignation, ceasing from being a stockholder, or by refusal to serve, such vacancy may be filled for the remainder of the year in which it may happen, by the remainder of the directors for the time being; and the number of directors shall never exceed five persons, and they shall be stockholders of the said corporation, and citizens of this state.

IV. *And be it further enacted*, That if any person or persons shall enter upon any lands or tenements of the said corporation, and Penalty for injuring maple trees belonging to the company unlawfully or maliciously cut down or girdle, or otherwise injure or destroy any maple trees, cultivated by the said corporation for the extraction of sugar, such person or persons shall be deemed guilty of a trespass, and shall be subject to the like penalties which are inflicted for girdling, or otherwise destroying fruit or orchard trees; and such person or persons may also be prosecuted by the said corporation, in any county where such trespass may have been committed, and before any court having cognizance of the same; and the said corporation shall be permitted to hire by lease, or to purchase in fee simple or otherwise, such, and so much real estate, or lands, as shall be deemed convenient by the said corporation, for the cultivation and extraction of maple sugar, the securing of fuel to the said corporation, or other purposes advantageous to the said corporation, for the purpose of making or refining such sugar; and the said real estate or land so obtained, to hold, or to release, dispose of, sell and recover, as the interest of the said corporation shall be found to re-

quire: *Provided*, that the amount of the real estate, so to be held and owned by the said company, in wild land, shall not at any time exceed one thousand acres of land, and they shall not be allowed to sell the same, or any part, during the continuance of this act, unless the maple trees by them used, shall have become exhausted, decayed or unfit for the purpose of sap trees.

**Subscrip-
tions.** V. *And be it further enacted*, That Bryan Johnson, James S. Kip and Alexander B. Johnson, or any two of them, shall be joint commissioners, for the purpose of receiving subscriptions for so much of the stock created by this act, as is now remaining unsubscribed; and so much shall be paid on each share, at the time of subscription, as the said commissioners shall deem advisable and proper; and such stipulations and conditions shall be attached to the subscription, as they shall deem most conducive to the interest of the corporation; and after the stock shall have been subscribed, or so much thereof as will, in the opinion of the said commissioners, warrant the commencement of expensive operations, they shall (in the manner herein before directed for the election of directors) give public notice of the time and place where an election for directors shall be held, and such election shall then and there be held; and the persons who shall (in the manner herein before directed) be duly elected directors, shall hold their offices respectively, as directors of the said corporation, from the day of their election until the day fixed by this act for the annual election of new directors; and the directors for the time being, shall have power to call and demand from the stockholders respectively, at such time and times as they shall think proper, the remainder of all such sums by them subscribed, and in such proportions, as the said directors shall think proper, under the pain of forfeiting (to the sole use and benefit of this corporation) by the said stockholders respectively, their shares, and all previous payments made thereon, if such payments shall be neglected to be made after the day notified for the payment thereof; and thirty days notice of every such call and demand, shall be published in at least one of the public newspapers printed in the village of Utica, and such publication shall in every case, respectively, be deemed a sufficient call and demand as aforesaid.

Elections.

Calls.

By-laws. VI. *And be it further enacted*, That the directors for the time being, shall have power to make and pursue such by-laws, rules and regulations, as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate, effects and concerns of the said corporation, the duties of the officers, clerks, factors, articles, agents and servants, by them employed; the election of directors, the transfer of stock, and every other matter relating to the said corporation, and necessary to carry into effect any part of this act, with power to appoint such agent or agents, for treating for, and effecting the purchases which may be made by the said corporation, and so many officers, clerks, overseers, factors and servants of every kind, for carrying on the business of the said corporation, as to the said directors shall seem proper, and with such salaries and allowances as they shall deem expedient, and to dismiss such persons so employed, and to appoint others at their pleasure: *Provided how-
ever*, that such by-laws, rules and regulations, as shall be made by this corporation, shall not be repugnant to the constitution and laws

Proviso.

of this state or of the United States, nor forbidden by this act, in the restrictions and prohibitions herein after contained.

VII. *And be it further enacted*, That the directors shall have ^{President.} power to choose out of their number, one person to be president of the said corporation; and at every regular meeting of the board of directors, each question shall be determined by the will of the majority of the members present, who shall, in every case respectively, be competent to decide on all questions relating to the concerns of the corporation.

VIII. *And be it further enacted*, That the stock and property of the said corporation, shall be deemed and considered personal ^{Stock, &c. deemed personal property.} estate, and that in respect to all debts, which shall be contracted by the said corporation, before the time limited for the expiration of this act, the persons composing the said corporation, at the time of its dissolution, shall be responsible in their individual and private capacities, to the extent of their proportion of the funds and property of the said corporation, and no further, in any suit or action to be brought or prosecuted after the dissolution of the said corporation.

IX. *And be it further enacted*, That if it should at any time happen, that an election for directors should not be made on any day when, pursuant to this act, it ought to have been made, the said ^{Election may be held on any day.} corporation shall not for that cause be deemed to be dissolved; but it shall and may be lawful, on any other day, to hold an election for directors, in such way as may have been prescribed by the by-laws of the company, and the said corporation shall not be subject to forfeiture for any non-user, prior to the first Tuesday of July, which will be in the year of our Lord eighteen hundred and eighteen: *Provided*, such non-user shall be caused by inability to obtain subscribers for the amount of stock, requisite to furnish a sufficient capital for the prosecution of the business of the said corporation, or from inability to obtain the requisite workmen, skilled in the business of sugar-refining, or from any other cause which may retard the operation of the company.

X. *And be it further enacted*, That if on any anniversary day of election for directors, the stockholders owning two thirds of the shares of this corporation, shall vote to discontinue the business of the ^{Corporation may be dissolved.} said corporation, it shall be the duty of the directors to dispose of (as soon as may be) all the property, estate and effects of the said corporation, and to collect all the debts due to the said corporation, and after deducting therefrom and paying all the debts which the said corporation may owe, to make an equal dividend of the remainder of the funds and property of the said corporation, according to, and in proportion to the number of shares of stock each stockholder may own at the time, and to cause to be paid over to each of the said stockholders respectively, whereupon the said company shall be dissolved.

XI. *And be it further enacted*, That this corporation shall not ^{Restrictions} employ any part or portion of its capital or funds, in the purchase or sale of any funded or bank stock, or in any banking transaction whatever; and this act shall be, and is hereby declared a public act, and the same shall be construed in all courts and places, most favorably and liberally, to subserve and effect every purpose therein mentioned and contained.

CHAP. CCXVIII.

AN ACT to authorise a new valuation of the real estates in the city and county of Albany.

Passed April 17, 1816.

WHEREAS it has been represented to the legislature, that the valuations of real estates in the city of Albany, made in pursuance of the "act for the assessment and collection of taxes, passed April 5th, 1813," have become unequal and unjust, by reason of the fictitious rise of real property which had taken place in certain parts of the said city, at the time the said valuations were made, and which guided the assessors in making the same, and the great changes which have subsequently taken place in the value of the said property; for remedy thereof,

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That there shall be a new valuation of the real estates in the city and county of Albany, to be made by the assessors of the several wards and towns in the said city and county of Albany, between the first day of May and the first day of July next, after the passing of this act, which said valuations shall be made in the same manner in all respects as the valuations which have heretofore been made in pursuance of the said act; and when the said valuations shall be so made and revised and approved of by the board of supervisors of the said city and county of Albany, as is directed in and by the said act, the same shall be considered the true valuation of real estates within the said city and county of Albany, and shall not thereafter be varied except where the value of any shall be increased by the erection of houses or by any other improvements, or where the value of any may be decreased by the destruction of any erections.

CHAP. CCXIX.

AN ACT to incorporate Ovid village.

Passed April 17, 1816.

I. BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the district of country contained within the following bounds, that is to say, all that part of lot number three, in the town of Ovid, in the county of Seneca, lying west of a line to be drawn due north and south, through said lot number three, fifty rods east from the court-house in said town of Ovid, shall continue to be known and distinguished by the name of "Ovid Village;" and the freeholders and inhabitants who are qualified to vote at town meetings, who may from time to time reside within the aforesaid limits, may, on the first Monday of May next, meet at the court-house in the said village, at such time of the day as may be appointed by any justice or justices of the peace within said village, and notified to the inhabitants thereof at least one week previous thereto, and then and there proceed to elect five discreet

Bounds of
the village.

Name.

freeholders, resident within the said village, to be trustees thereof; who, when chosen, shall possess and exercise the several powers and rights herein after specified: And such justice or justices shall preside at such meeting, and shall declare the persons having the greatest number of votes to be duly chosen trustees; and on every first Monday in May thereafter, there shall be an annual election of trustees for said village, at such place as the trustees for the time being shall notify, giving at least one week's notice, by publishing the same in the newspaper or newspapers printed in said village, or setting up the same in three places in the said village, and the said trustees shall preside at such annual elections.

II. *And be it further enacted*, That the freeholders and inhabitants residing within the aforesaid limits, be, and they are hereby ordained, constituted and declared to be, from time to time, and forever hereafter, a body corporate and politic, in fact and in name, by the name of "the Trustees of Quid village;" and by that name they and their successors forever shall and may have perpetual succession, and be persons capable in law of suing and being sued, pleading and being impleaded, defending and being defended, in all courts and places whatsoever, in all manner of actions, complaints and causes whatsoever; and that they and their successors may have a common seal, and may alter the same at their pleasure; and shall be in law capable of purchasing, holding, receiving and conveying any estate, real or personal, for the use of said village, (provided the said real estate shall be within the said village;) and of erecting any public buildings for the use of said village, and of raising money by tax for erecting such public buildings, purchasing such real or personal property, procuring fire engines and other utensils for extinguishing fires, and for making a reasonable compensation to the officers of the corporation, and for making all necessary repairs and improvements in said village; which monies, so to be raised, shall be assessed upon the freeholders and inhabitants of said village, according to law, by not less than three nor more than five judicious assessors, who shall be freeholders in said village, to be chosen by the inhabitants of said village, qualified to vote at town meetings, and collected by the collector of the corporation, to be chosen by the trustees of said village annually, in like manner as the taxes of towns and counties are collected, by virtue of a warrant to him directed by the majority of the trustees aforesaid: *Provided nevertheless*, that no tax shall be levied, or monies raised, assessed or collected, for the purposes aforesaid, or any other purposes, and no purchase or sale of any real estate made, and no public buildings erected or disposed of, without the consent of the legal voters of the said village, in open meeting duly warned and notified, first given and expressed by a majority of votes then and there given: *Provided also*, and it is hereby made the duty of the said assessors, in assessing the taxes to be raised upon the inhabitants of said village, to have regard both to the property and relative situation of each individual, so as, that the said taxes may be assessed in an equitable and just manner, of and from the owners and occupants of the houses and lands in said village, in proportion, nearly as may be, to the property and advantages

Style and powers of the trustees.

Proviso.

Proviso.

which each may be deemed to receive from the improvements or purchase to be made by said money when collected: *And provided also*, that if any person shall conceive himself or herself aggrieved by any such assessment, it shall be lawful for such person to appeal from the said assessors to the trustees of the said village, in ten days after such assessment shall be made, and public notice thereof given, giving notice to the said assessors or any one of them of such appeal, and of the time and place of determining thereon by said trustees, who shall hear the same and do justice in the premises.

Money, how
to be raised.

III. *And be it further enacted*, That it shall be lawful for the inhabitants of said village, as often as they shall vote to raise any sum or sums of money for any of the purposes aforesaid, to specify, as far as is convenient, the particular purpose for which said sum or sums of money, or any part thereof, shall be appropriated, that the assessors may have regard thereto in assessing the same upon the respective inhabitants of said village.

By-laws.

IV. *And be it further enacted*, That it shall be lawful for the trustees of the said village, or the major part of them, and their successors, to make, ordain and constitute and publish such prudential by-laws, rules and regulations, as they from time to time may deem meet and proper, and such particularly as are relative to the streets, alleys and highways of the said village; and draining, filling up, paving, keeping in order and improving the same; relative to slaughter houses, and nuisances generally; relative to lighting the streets of the said village; relative to restraining geese, swine or cattle of any kind; relative to the inspecting of weights and measures; relative to the keeping and regulating hay scales; and relative to any thing whatsoever that may concern the public and good government of said village; but no such by-laws shall extend to the regulating or fixing the prices of any commodities or articles of provision offered for sale: *Provided also*, that such by-laws be not contrary to, nor inconsistent with the laws of this state, or of the United States: And it shall also be lawful for the said trustees, to require the householders and occupants of buildings in the said village, under suitable penalties, to furnish themselves with fire buckets, and other necessary utensils for extinguishing fire, and also keep their fires safe and their fire places and chimnies clean and in good repair.

Fines and
penalties.

V. *And be it further enacted*, That the said trustees, or the major part of them, as often as they shall make, ordain and publish any by-laws for the purposes aforesaid, may make, ordain, limit and provide, such reasonable fines, penalties and forfeitures, against the offenders of such by-laws, as they may think proper, not exceeding twenty-five dollars for any one offence, to be prosecuted and recovered before any justice of the peace, or court having cognizance of the same, by the trustees, to and for the use of the said corporation; and in all cases it shall be deemed sufficient for said trustees, in any suit or action to be brought for any such fines, penalties and forfeitures, to declare generally, that the defendant or defendants are indebted to the trustees of said village, in the amount of such fine, penalty or forfeiture, to be paid to the said trustees for the time being, when thereunto required,

and under such declaration to give the special matter in evidence; and the freeholders and inhabitants of said village shall be deemed, and are hereby declared competent to give testimony in any cause wherein the said trustees are a party, notwithstanding any remote interest which they may have as members of such corporation.

VI. *And be it further enacted*, That the person in possession of any real estate in the village aforesaid, at the time any tax is assessed, shall be liable to pay the amount assessed thereon; and in case such person is not bound by contract or otherwise, to pay such tax, he or she shall and may recover the same from the owner or owners of such real estate, or other person whose duty it was to have paid the same; and all taxes upon any real estate in said village shall be a lien thereon. Taxes, how to be assessed.

VII. *And be it further enacted*, That the inhabitants of said village, qualified to vote at town meetings, at the annual meetings in every year hereafter to be held for choosing trustees, or any other meeting duly notified, shall, and they are hereby authorised, to choose by a major vote, not less than three nor more than five judicious freeholders, inhabitants of said village, as assessors, and one treasurer, and one clerk; and it shall be the duty of the said clerk to keep a faithful record of all doings and votes of the inhabitants of said village, at their annual or other legal meetings, in a book by him to be procured. Assessors, Treasurer & Clerk.

VIII. *And be it further enacted*, That the trustees, assessors, treasurer and clerk shall, within ten days after their election and appointment, and before they proceed to exercise their several offices, respectively take and subscribe an oath or affirmation, before any justice of the peace in the county of Seneca, that they will faithfully execute the office or trust to which they may severally be elected or appointed. to take an oath.

IX. *And be it further enacted*, That the treasurer and collector, hereafter to be elected or appointed, before they enter upon the duties of their respective offices, shall give such security for the faithful performance of the trusts reposed in them, as the major part of the trustees for the time being shall deem sufficient. Collector to give security

And whereas it is necessary for the good government of the said village, that it shall be more particularly the business of some one of the said trustees of the said village to attend to its more immediate concerns: Therefore, Preamble.

X. *Be it further enacted*, That the said trustees, within ten days after their election, in every year thereafter, or the major part of them, shall, and it is hereby made their duty, to assemble in some convenient place in said village, and there to choose and appoint by ballot some one suitable person of their body, to be president of said board of trustees, whose duty it shall be, when present, to preside at the meetings of said trustees; to order extraordinary meetings of said trustees whenever he shall think proper; to receive complaints of the breach of any of the laws; to see that the by-laws, rules and ordinances are faithfully executed and observed. and to prosecute, in the name of the trustees. all offenders against such by-laws; and whose duty it shall be, more particularly, to see that the public property belonging to the said village, and relating to the fire engines and utensils, be suitably taken care of and kept in order; and to President.
His duty.

do such other acts and things as may be proper for him, as president of the board of trustees, to do: And in case of the death, removal or disability of such president, the said trustees shall proceed to choose out of their body a successor, as above mentioned; and it is hereby made the duty of the said trustees to keep a record of their doings, especially of the passing of their by-laws, rules and regulations.

Collector's
duty.

XI. *And be it further enacted*, That the collector shall, within such time as shall be hereafter specified by the by-laws of said corporation, next after the receipt of his warrant for the collection of any tax that may have been ordered to be raised, collect and pay over the same to the treasurer; and all monies at any time in the hands of the treasurer, shall be liable to be drawn out by the trustees, or the major part of them, and applied and disposed of as shall have been directed by the inhabitants of said village.

Accounts.

XII. *And be it further enacted*, That the trustees shall keep a just and accurate account of their necessary expenses and disbursements, at all reasonable times open to the inspection of the inhabitants of said village; and on exhibiting the same to the treasurer, shall be entitled to receive the amount thereof out of any money in the treasury; and that the treasurer, collector, assessors and clerk shall be paid for their several services, such suitable compensation as the said trustees, or a majority of them, by a by-law of the corporation, shall provide; and that the said trustees shall receive for their services, such reasonable compensation, as the inhabitants of said village shall, at their annual meetings, grant and allow.

Duration
of office.

XIII. *And be it further enacted*, That the trustees to be elected by virtue of this act, shall continue in office, and be authorised to exercise all the power and perform all the duties in this act contained, and belonging or appertaining to their office of trustees aforesaid, until the first Monday of May next following after their election as trustees as aforesaid, and until a new election for trustees of the said village shall be made, pursuant to this act, and until the said trustees so last chosen shall take and subscribe the oath or affirmation required to be taken by this act.

Firemen

XIV. *And be it further enacted*, That it shall be the duty of the said trustees, or a majority of them, and they are hereby authorised and empowered to appoint and elect, under the hand of the president of the board and seal of the said corporation, four fire wardens, and a company of twenty-four firemen, out of the inhabitants of said village, to have the care, management, working and use of the fire engine or engines which may belong to the said village, and also the tools and implements for extinguishing fires; and the said trustees, or a majority of them, are hereby authorised to remove or displace all or any of the fire wardens or firemen, as aforesaid to be appointed and elected, when and as often as they shall think fit, and others in their stead to elect, nominate and appoint: *Provided*, the said firemen shall not be exempt from militia duty, any act to the contrary notwithstanding.

Proviso.

CHAP. CCXX.

AN ACT *appointing commissioners to lay out the road therein mentioned, from the bridge crossing the Genesee river opposite the village of Rochester, to the Four Corners on the Ridge Road in the town of Murray.*

Passed April 17, 1816.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That* John P. Patterson, George G. Sill and Ezra Davis, junior, or any two of them, be and they are hereby appointed commissioners to lay out a public highway, of the width of four rods, from the bridge crossing the Genesee river opposite the village of Rochester, on the most direct and eligible route to the Four Corners, on the ridge road, in the town of Murray in the county of Genesee.

II. *And be it further enacted,* That the said commissioners, before they enter upon the duty aforesaid, shall take and subscribe an oath before a justice of the peace, to lay out said road without favor or partiality; and they shall, after laying out said road, cause to be made an accurate map of the survey of the road, and cause the same with the field notes of the survey to be filed in the clerk's office of each town through which the road shall be laid out. and if the said road shall be laid through any improved lands, the damages shall be appraised and paid, and the road opened and improved in the manner prescribed by the act to regulate highways, and the said commissioners and their surveyor shall each be allowed two dollars per day for each day they shall be necessarily employed in the duties aforesaid, together with their necessary contingent expenses, to be audited and allowed by the board of supervisors of said county, and paid by the several towns through which the said road shall be laid, in proportion to the distance it shall be laid through such towns respectively.

CHAP. CCXXI.

AN ACT *for the relief of Daniel Pool, and Hannah his wife, Betsey Mettar, Gabriel Mettar and John Mettar.*

Passed April 17, 1816.

WHEREAS Peter Mettar, an alien, late of the town of Walkill, in the county of Orange, was in his life time, and at the time of his death, seized of a certain tract of land situate in the said town of Walkill, and containing about fifty-three acres of land, and did in and by his last will and testament, will and desire that all his real estate should be equally divided between Hannah Mettar, now the wife of Daniel Pool, Betsey Mettar, Gabriel Mettar and John Mettar, and their heirs and assigns forever: *And whereas* the said last will and testament was witnessed by only two witnesses, and the said Peter Mettar afterwards died without having left any person capable of inheriting the said land, whereby the same has escheated to the people of the state of New-York: Therefore,

I. Be it enacted by the people of the State of New-York, represented in Senate and Assembly, That all the right, title, interest, property, claim or demand of the people of the state of New-York, in and to the real estate of which the said Peter Mettar died seised, consisting of a farm of land containing about fifty-three acres, situate in the town of Walkill, in the county of Orange, be and the same is hereby declared to be granted to and vested in the said Hannah Pool, Betsey Mettar, Gabriel Mettar and John Mettar, and their heirs and assigns forever, as tenants in common.

II. And be it further enacted, That this act shall be construed to vest in the said Hannah, Betsey, Gabriel and John, in manner aforesaid, at and immediately after the death of the said Peter, all the right and title which the said people had or could or might have had in and to the lands aforesaid, in as full and ample a manner as the said people could grant the same, in case the title of the said people thereunto had become absolute by office having been found thereupon: Provided always, that nothing in this act contained shall be construed to affect or in any wise impair any right or interest that the widow of the said Peter Mettar may have in and to the said lands, either by reason of her right of dower in the said lands, or under or by virtue of any thing contained in the said will of the said Peter Mettar; but the same shall be vested in her as fully as if the said Peter Mettar had died lawfully seised of the said lot of land, and the said widow had been capable of holding real estate: And provided also, that the said Daniel Pool, and Hannah his wife, Betsey Mettar, Gabriel Mettar and John Mettar, shall not acquire any settlement in the said town of Walkill, by virtue of any interest in the said lands vested in them by operation of this act.

CHAP. CCXXII.

AN ACT to erect parts of the towns of Litchfield in the county of Herkimer, and Richfield and Plainfield, in the county of Otsego, into a separate town by the name of Winfield.

Passed April 17, 1816.

Town of
Winfield
erected.

I. BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That from and after the tenth day of May next, such parts of the towns of Litchfield, Richfield and Plainfield, as are contained in the following bounds, to wit: beginning at the north-east corner of the town of Bridgewater, in the county of Oneida; thence easterly to a bound on the south side of the Utica and Minden turnpike, on the line of the town of Columbia; thence southwardly along the line of said town to the north-west corner of the town of Richfield; thence easterly along the line of said town to the north-east corner of lot number seventy-one; thence southwardly along the line of said town to the south-east corner of lot number seventy-three; thence west, to the south-west corner of Cochran's patent; thence along the line of said patent northwardly and eastwardly to the southeast corner of the town of Litchfield; thence along the line of said town to the place of beginning, shall be and is hereby erected

into a separate town, by the name of Winfield, and that the first town meeting shall be held at the house of Rufus Dodge in said town, and that the remaining parts of the said towns of Litchfield, Richfield and Plainfield, shall be and remain separate towns by the names of Litchfield, Plainfield and Richfield.

II. *And be it further enacted*, That as soon as may be after the first town meeting, the supervisors and overseers of the poor of said towns respectively, on notice being given for that purpose, shall meet together and apportion the money and poor belonging to the said towns of Litchfield, Richfield and Plainfield, previous to the division thereof, agreeable to the last tax list, and that each of the said towns, shall forever thereafter, respectively maintain and support their own poor. Poor money &c. to be divided.

III. *And be it further enacted*, That the aforesaid town of Winfield, shall belong to and be a part of the county of Herkimer. Winfield part of Herkimer.

CHAP. CCXXIII.

AN ACT further to suspend, for the period therein mentioned, the restriction on Banks issuing Bills less than the amount of one dollar, and for other purposes.

Passed April 17, 1816.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That so much of the first section of the act, entitled "an act to prevent the passing and receiving of bank notes, less than the nominal value of one dollar, and to restrain unincorporated banking associations," be, and the same is hereby suspended, so far as respects the bills of any banks in this state, until the first day of May, in the year one thousand eight hundred and seventeen; until which time it shall be lawful to pass and receive the notes of any bank in this state, of less than the nominal value of one dollar, any thing in the said first section of the said act to the contrary notwithstanding.

II. *And be it further enacted*, That after the said first day of May, in the year one thousand eight hundred and seventeen, and until the first day of December thereafter, it shall be lawful for any person to offer or receive in payment of any debt or demand, or to circulate any bank note of a denomination less than the amount of one dollar, which may have been actually issued by any bank within this state, on or before that day, any thing in the said act to the contrary notwithstanding.

III. *And be it further enacted*, That all bills, notes or tickets, in the form or similitude of bank bills or notes, if sued by any person or persons, body politic or corporate, and made payable in the bills or current notes of any incorporated company, shall and may, in case default shall be made in the payment of the same, according to the tenor thereof, be sued, prosecuted and collected, by and in the name of the holder or bearer thereof, any law to the contrary notwithstanding; and the possession of such note, bill or ticket, shall be deemed prima facie evidence of the holder thereof having paid value for the same.

CHAP. CCXXIV.

AN ACT to vest certain powers in the freeholders and inhabitants of the village of Madison, in the county of Madison.

Passed April 17, 1816.

Bounds of
the village.

Name.

I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That all that district of country, comprehended in lot number thirty-six, of the third town of the twenty towns, (so called) as laid out into lots by Nathaniel Locke, a map of which is on file in the office of the secretary of this state, in the town and county of Madison, shall hereafter be known by the name of the village of Madison, and that the freeholders and inhabitants, qualified by law to vote at town meetings, who may reside within the aforesaid limits, may on the first Tuesday of May next, meet at the now dwelling house of Benjamin I. Starr, and then and there proceed to choose five freeholders, residing within the aforesaid limits, to be trustees thereof, and that the justices of the peace, residing within the said limits, shall give such public notice of such meeting, at least one week previous thereto, and shall preside at such meeting, and declare the several persons having a majority of votes as duly chosen as trustees; and on every first Tuesday of May thereafter there shall, in like manner, be a new election of trustees of the said village; and the trustees, for the time being, shall preside at such election, and shall in like manner give notice of the time and place of holding the same.

Style and
powers of
the trustees.

II. And be it further enacted, That the freeholders and inhabitants aforesaid, are hereby constituted and declared to be a body politic and corporate, by the name of "the trustees of the village of Madison;" and by that name, they and their successors may have perpetual succession, and be persons in law capable of suing and being sued, and of defending and being defended, in all courts of justice, and in all actions and causes of action whatsoever, and may have a common seal, and may change and alter the same at pleasure, and shall be in law capable of holding, purchasing and conveying any estate, real and personal, for the use of the said village, to raise money by tax for erecting public buildings, and of making any other necessary improvements; which money so to be raised, shall be assessed upon the freeholders and inhabitants of the said village, in proportion to the relative value of their property therein to be assessed, and in proportion to the advantages such freeholders and inhabitants will receive from the appropriation of the monies so to be assessed, by three judicious assessors, to be chosen from among the freeholders of said village, at their annual meeting, and collected by a collector, to be in like manner chosen, and when so collected, to be paid over to the said trustees, or such of them as they may designate, to be applied to the purpose for which the same shall have been raised: *Provided nevertheless,* that no tax shall be levied, or monies assessed, raised or collected for the purpose aforesaid, nor any purchase or sale of any real estate be made, nor any public buildings erected or disposed of, without the consent of the freeholders and inhabitants of the said village, or the majority thereof, at a public meeting, duly notified by the trustees of the said village.

III. *And be it further enacted*, That it shall be lawful for the said trustees or a majority thereof, and their successors, to make and publish such prudential rules and regulations, as they from time to time shall deem meet, relative to the draining, filling up, levelling, paving, keeping in order, and improving the highways and streets; relative to all necessary means for preventing and extinguishing fires; relative to markets; relative to all nuisances; relative to the exclusion from the commons, of cattle, hogs, sheep and geese, and all things which may tend to the police and good government of the said village; which may not be inconsistent with the constitution and laws of the United States, or of this state; and may make and provide such reasonable fines against the breach of such laws, as they may think proper, not exceeding ten dollars for any one offence, to be prosecuted and recovered by the said trustees, in their own name, before any justice of the peace in the county of Madison, for the use of the freeholders and inhabitants of the said village. By-laws.

IV. *And be it further enacted*, That the freeholders and inhabitants aforesaid, may on the said first Tuesday of May next, and at every annual meeting thereafter, elect, as aforesaid, a fit person, resident of said village, to be a common clerk, whose duty it shall be to record all rules and regulations, made by the said freeholders and inhabitants at their meetings aforesaid, in a proper book, to be by him provided, for that purpose; and also, to do all things that the said trustees or a majority of them shall direct, under the powers vested in them by this act. Clerk.

V. *And be it further enacted*, That the trustees, assessors, clerk and collector, so to be chosen, shall, within ten days after each and every election, and before they proceed to the exercise of their several offices, take and subscribe an oath or affirmation, before any justice of the peace of the said county, for the faithful performance of the duties of the office to which they shall have been severally chosen. Officers to take an oath.

VI. *And be it further enacted*, That the said trustees shall keep a just and accurate account of their necessary expenses and disbursements, and of all monies received and paid by them, during their continuance in office; and shall at every annual meeting, prepare and state their accounts of the current year; and if a balance shall remain in their hands, pay the same over to their successors in office; and that it shall be lawful for the trustees of the said village, for the time being, to pay the assessors and collector, such compensation for their services, as shall be prescribed by the by-laws of the said village. Accounts.

VII. *And be it further enacted*, That this act is hereby declared a public act, and that the same be construed in all courts favorably and benignly for every beneficial purpose herein contained. Declared a public act.

CHAP. CCXXV.

AN ACT to alter a part of the route of the Newburgh and
Cochecton Turnpike Road.

Passed April 17, 1816.

I. BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the route of that part of the Newburgh and Cochecton turnpike road, which now passes in the rear of the house owned by Abraham Hunter, and Isaac Smith, and William Bookstaver, in the village of Montgomery, in the county of Orange, be so altered that the same shall continue westwardly along the street called Ward street, in the said village, passing directly in front of the said house until it strikes Bridge street, and run from thence northwardly along said Bridge street, to the south end of the turnpike bridge across the Walkill; and that all that part of lot number forty-five, in the said village, over which the said turnpike now runs, the same being the lot upon which the said house stands, shall revert to, and hereby is vested in the said Abraham Hunter, Isaac Smith and William Bookstaver, and their heirs and assigns forever, as tenants in common, to be held by them in the same proportion as the residue of the said house and lot is now held and owned by them respectively; and that the said turnpike, where the same shall run along the front of the said lot, shall be opened four rods wide.

Additional
tolls

II. And be it further enacted, That the president, and directors of the said Newburgh and Cochecton turnpike road company, instead of the tolls now or formerly demanded in like cases, shall and may exact and receive at each of their gates, the following rates of toll, to wit: For every cart or waggon, drawn by four horses, mules or oxen, thirty-seven and an half cents; for every cart or waggon, drawn by five horses, mules or oxen, fifty cents; for every cart or waggon, drawn by six horses, mules or oxen, seventy five cents: *Provided however,* that only one fifth of said rate of toll, shall be exacted on any carriage, the tire whereof shall be six inches broad, or upwards, and should the same be eight inches broad, such carriage, with the team attached thereto, shall be suffered to pass any such gate toll free.

Penalties.

III. And be it further enacted, That any person or persons who shall, by taking off or from any carriage or carriages, any horse or horses, mules or oxen, when near any such gate or gates, or shall, in any other manner, defraud the said company of the tolls hereby granted, or any part thereof, such person or persons shall forfeit to said company, for each and every offence, five dollars, with costs of suit, to be sued for and collected, by action of debt, or otherwise, in the name of the treasurer of said company: *Provided,* that carriages used by persons moving with their families, and household furniture, and carriages or stages for the conveyance of persons, shall not be subject to the above increased rate of toll: *And provided further,* that this act shall not go into effect until the first day of May, in the year of our Lord one thousand eight hundred and seventeen, and shall continue in force seven years.

Provide

IV. *And be it further enacted*, That this shall be taken and deemed to be a public act.

CHAP. CCXXVI.

AN ACT to incorporate the Madison county south branch Turnpike Company.

Passed April 17, 1816.

I. *Be it enacted by the people of the State of New-York, represented in Senate and Assembly*, That John Matteson, Winsor Co-^{J. Matteson}man, David Gaston, Thomas Morris and Aroswell Lamb, and all ^{others in-} such other persons as shall associate with them, to make a good and sufficient turnpike road, to begin where the Sherburne and Lebanon salt spring turnpike ends or intersects the Hamilton and Skeneateles turnpike; thence running on the most eligible and direct route to Morris-flats, near the house of Thomas Morris, in the town of Eaton, and from thence on, until it intersects the Madison county turnpike road, in the village of Peterboro', in the county of Madison, shall be, and are hereby created a body corporate and politic, in fact and in name, by the name of the "President, Directors, and Company of the Madison county south branch turnpike road;" and by ^{Style.} that name and style they and their successors shall have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and in all manner of suits, actions, complaints, causes and matters whatsoever; and by the same name and style, shall be in law capable of purchasing, holding and conveying, any estate, real or personal, for the use of the corporation: *Provided*, that such ^{Provide.} estate, so to be purchased and held, shall be necessary, to fulfil the objects of the corporation, and no other purpose whatsoever: *And provided also*, that the said company shall be allowed five years, from the passing of this act, for the completing the said road, any thing in the aforesaid general act to the contrary notwithstanding.

II. *And be it further enacted*, That the stock of said company shall consist of twelve hundred shares, of twenty dollars each; and ^{Stock.} that John Matteson, David Gaston, and Darius Morris, be, and they are hereby appointed commissioners, to receive subscriptions for said stock, in the manner directed in and by the act, entitled "an act relative to turnpike companies," passed the thirteenth day of March, one thousand eight hundred and seven.

III. *And be it further enacted*, That the said company hereby incorporated, shall be entitled to erect on said road two gates or turnpikes, and to receive the following sums of money from all persons, travelling or using the same: For every waggon or cart, drawn by two horses, mules or oxen, six cents, and one and an half cents for every additional horse, mule or ox, attached to such waggon or cart; for every waggon, cart or other carriage, drawn by one horse, mule or ox, three cents, and for every additional horse, mule or ox, attached to such waggon, cart or carriage, one and an half cents; for every horse and rider, three cents; for every horse led or driv-^{Rates of toll}

ed, one and an half cents; for every stage-waggon, chariot, coach or coachee, phaeton, curricie, or other pleasure carriage, drawn by two horses, twelve and an half cents, and for every additional horse attached to such carriage, three cents; for every chaise, chair, sulkey or other pleasure carriage, drawn by one horse, six cents, and in like proportion for every additional horse; for every sled or sleigh, drawn by two horses, oxen or mules, three cents, and for every additional horse, ox or mule, one and an half cents; for every sleigh or sled, drawn by one horse, ox or mule, two cents; for every score of cattle, horses or mules, ten cents; and for every score of hogs or sheep, four cents, and so in proportion for a greater or less number.

Privileges. IV. *And be it further enacted*, That the said company hereby incorporated, shall have all the rights and privileges, powers and immunities, which are given and granted in and by the aforesaid act, entitled "an act relative to turnpike companies, and shall be subjecc to all the conditions, provisions, restrictions and regulations contained in said act.

CHAP. CCXXVII.

AN ACT appointing commissioners to lay out a road therein mentioned, from the house of John Fay to the Stratford road, near Hankerson's tavern, in the county of Montgomery.

Passed April 17, 1816.

Commissioners,

Route of the road,

to be recorded.

Damages, how to be assessed.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That Philip R. Frey, Daniel Potter and John Fay be, and they are hereby appointed commissioners, and they or any two of them are hereby empowered to lay out a public road, four rods wide, from the dwelling house of John Fay, in the town of Northampton, in the county of Montgomery, to the Summer-house Point, from thence on the most direct route to the meeting-house in the village of Kingsbury, and from thence on the most direct route the land will admit of, until it shall come so far into the town of Stratford as to intersect the Stratford road, so called, as near Hankerson's tavern as the most practicable route will admit; and that said road, when so laid out, shall be deemed and considered a public highway, and be worked and kept in repair by the several towns through which the same shall pass, agreeably to the directions of the act, entitled "an act to regulate highways:" *And further*, that the said commissioners shall enter on record, in each of the town clerk's offices of the towns through which said road shall pass, a copy of the route of the same.

II. *And be it further enacted*, That when any part of said road shall be laid out in pursuance of this act, through any improved lands, the owner or owners thereof shall be paid such damages as such owner or owners may sustain by reason thereof, and the same be determined and ascertained agreeably to the directions of the act to regulate highways; and each and every town shall pay and bear the expenses where such road is laid out.

III. *And be it further enacted*, That the said commissioners shall each be allowed two dollars, for every day they shall or may be employed in the service aforesaid, to be paid by the supervisors of each respective town through which said road shall run, in such proportion as the said commissioners, by an instrument in writing under their hands, shall certify to be just and equitable; but if no money shall be in the hands of such supervisor, it shall be the duty of such supervisor to draw his warrant on the treasurer of said county, in favor of such commissioner or commissioners, for the amount of such sum as shall be so certified by said commissioners to be due to them respectively; and the treasurer of the county is hereby authorized and required to pay the same out of any monies in the treasury; and the supervisors of said county, at their annual meeting, shall cause to be raised, levied and collected, from the freeholders and inhabitants of each respective town, the amount of such warrant so drawn on the treasurer by the supervisors of any such town.

IV. *And be it further enacted*, That the commissioners of highways in their several towns, where such roads shall be laid by the commissioners appointed in and by this act, are hereby authorized and directed, without delay, to open the road in their several towns, and cause the same to be worked in like manner as if the same had been laid out by the said town commissioners respectively.

V. *And be it further enacted*, That every commissioner appointed in and by this act, shall take and subscribe an oath, before they enter upon the duties of their office, in the following form: "I _____ do solemnly and sincerely swear, that I will in all things, to the best of my knowledge and understanding, well and faithfully execute the trust reposed in me as a commissioner, without favor or partiality;" and a certified copy thereof shall be entered of record in the town clerk's office, in the town where such commissioner resides.

CHAP. CCXXVIII.

AN ACT for the relief of Richard Goodell.

Passed April 17, 1816.

WHEREAS Richard Goodell did, in the year one thousand eight hundred and thirteen, erect buildings on lot number forty-two, in the village of East-Oswego, belonging to the people of this state, the erection of which buildings has materially accommodated the public: *And whereas* the said Richard Goodell is desirous of purchasing the said lot number forty-two, and the water lot number 6; directly in front thereof, at a fair valuation thereof, to be made by the commissioners of the land office: Therefore,

I. *Be it enacted by the people of the State of New-York, represented in Senate and Assembly*, That it shall be lawful for the commissioners of the land-office, and they are hereby required, to grant letters patent to the said Richard Goodell, for the said lots number forty-two and six, in the village of East-Oswego, on his paying, or securing to be paid to the people of this state, such sum of money, and at such time or times, as the commissioners of the land

Pay of commissioners.

Road to be opened.

Oath.

Preamble.

Lots no. 42 & 6, E. Oswego, to be granted to R. Goodell.

office shall declare to be a fair valuation of the aforesaid lots, without taking into view the improvements made by the said Richard Goodell.

D. Burt's improvements to be paid.

II. *And be it further enacted*, That the said Richard Goodell, before he shall receive any patent for, or title to the premises herein before described, shall pay to Daniel Burt for any improvement he had on the public land at East-Oswego, of which the said Richard Goodell has taken possession, and which belonged to the said Daniel Burt, the value of which improvements shall be ascertained and collected, in the manner prescribed in and by the seventeenth section of the act, entitled "an act concerning the commissioners of the land office, and the sale of the unappropriated lands," passed April sixth, one thousand eight hundred and thirteen.

CHAP. CCXXIX.

AN ACT relating to Inspectors of Elections in the city of Troy.

Passed April 17, 1816.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the inspectors of election, who were chosen at the last town meeting in and for the town of Troy, in the county of Reensselaer, under the act, entitled "an act relative to the duties and privileges of towns," shall be the inspectors of election in the city of Troy, at the next general election within this state, any thing in the act to incorporate the city of Troy to the contrary notwithstanding.

CHAP. CCXXX.

AN ACT authorising the Comptroller to loan money to certain persons therein mentioned.

Passed April 17, 1816.

Loan to be made to I. Hutton.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall be the duty of the comptroller to loan to Isaac Hutton a sum, not exceeding twenty thousand dollars, out of any monies not otherwise appropriated, and which may not be appropriated for public purposes during the present session of the Legislature; and that the comptroller be authorised to draw his warrant on the treasurer for the same: *Provided*, that the said loan shall not be made until the same be secured to the people of this state, by a sufficient bond, conditioned for the annual payment of the interest thereof, at the rate of seven per centum per annum, and the repayment of the principal in five years, nor until the said payment shall be further secured by a mortgage or mortgages on real estate, exclusive of the the buildings erected thereon, of double the value of the amount so loaned, unless such buildings shall be insured and continue to be insured against fire, and the policy of insurance assigned to and for the use and benefit of this

state, to be approved of by the comptroller; and further, that the title shall be examined and approved of by the attorney general.

II. *And be it further enacted*, That it shall be the duty of the comptroller, to loan to the president, directors and company of the Woollen and Cotton Manufacturing Company, in the county of Rensselaer, a sum not exceeding ten thousand dollars, out of any monies not otherwise appropriated, and which may not be appropriated for public purposes during the present session of the Legislature; and that the comptroller be authorised to draw his warrant on the treasurer for the same: *Provided*, that the said president, directors and company shall secure to the people of this state, by a sufficient bond, conditioned for the annual payment of the interest thereof, at the rate of seven per centum per annum, and the repayment of the principal in five years, nor until the said payment shall be further secured by a mortgage or mortgages on unincumbered real estate, within this state, of double the value of the sum loaned, exclusive of any buildings thereon, the title whereof to be approved of by the comptroller and attorney general.

To the
Rensselaer
Woollen
& Cotton
Company.

III. *And be it further enacted*, That it shall be the duty of the comptroller to loan to Jabez Burrows a sum not exceeding five thousand dollars, out of any monies not otherwise appropriated, and which may not be appropriated for public purposes during the present session of the Legislature; and that the comptroller be authorised to draw his warrant on the treasurer for the same: *Provided*, that the said loan shall not be made until the same be secured to the people of this state by a sufficient bond, conditioned for the annual payment of the interest thereof, at the rate of seven per centum per annum, and the repayment of the principal in five years, nor until the said payment shall be further secured by a mortgage or mortgages on real estate, inclusive of the buildings erected thereon, of double the value of the amount so loaned, unless such buildings shall be insured and continue to be insured against fire, and the policy of insurance assigned to and for the benefit of this state, to be approved of by the comptroller; and further, that the title shall be examined and approved of by the attorney general: *And provided*, that the comptroller shall not for the purpose of satisfying either of the loans contemplated by this act, be authorised to sell or dispose of any the stock authorised to be created on the credit of this state by any act heretofore passed, and that no money to arise from any sale of any such stock shall be applied to the purposes aforesaid, or either of them, nor shall any money be loaned, unless a surplus from the ordinary revenues of this state shall remain in the treasury, after satisfying all appropriations made during the present session of the Legislature.

To Jabez
Burrows.

Provide.

CHAP. CCXXXI.

AN ACT to incorporate the Jefferson county Bank.

Passed April 17, 1816.

WHEREAS, John Brown, Roswel Woodruff, Eliphalet Edmonds, David I. Andrus, Ethel Bronson, Jabez Foster, Egbert

Preamble. Ten Eyck, Hoel Lawrence, Frederick White, Abel Cole, and others associated as a company, under the name and style of the "Jefferson county Bank," by their petition presented to the Legislature, have prayed for the privilege of being incorporated as a company and body corporate: Therefore,

Company-incorporated. *I. BE it enacted by the people of the State of New-York, represented in Senate and Assembly,* That all such persons as shall be stockholders of the said bank, shall be and hereby are ordained, constituted and declared to be, from time to time, and until the first day of January, which will be in the year one thousand eight hundred and thirty-two, a body corporate and politic, in fact and in name, by the name of the President, Directors and Company of "the Jefferson county Bank;" and by that name they and their successors, until that day, may and shall have succession, and shall be in law persons capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and in all manner of actions, suits and complaints, matters and causes whatsoever; and that they and their successors may have a common seal, and may change and alter the same at their pleasure; and also that they and their successors, by the aforesaid name of incorporation, shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of the said corporation: *Provided*, that the real estate which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for its immediate accommodation, in relation to the convenient transaction of its business, or such as shall have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts, previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts: *And provided further*, that the said bank shall be established in the county of Jefferson, and that its operation of discount and deposit shall be carried on in one of the villages of said county, and not elsewhere: *And further*, that the said corporation shall not, directly or indirectly, deal or trade in business, or selling any goods, wares, merchandizes, or commodities whatsoever, or in buying or selling any stock created under any act of the United States, or of any particular state, unless in selling the same when truly pledged by way of security for debts due to the said corporation: *And provided also*, that it shall not be lawful for the said bank to issue any notes or bills, until an affidavit by the president and cashier of said bank shall have been made and filed in the clerk's office of the county of Jefferson, stating that the sum of twelve and an half per cent. upon each share of the capital stock of said bank has been actually paid into said bank in specie.

Stock. *II. And be it further enacted.* That the capital stock of the said corporation shall not exceed four hundred thousand dollars, and that a share in said stock shall be fifty dollars; and that subscription books shall be kept open, under the direction of the following persons, as commissioners to apportion the stock and determine on the site for the banking-house, viz: Elisha Camp of Hounsfield, Jesse Hopkins of Henderson, Ebenezer Wood of Ellisburgh, Jabez Foster of Wattertown, Clark Allen of Lorraine, Samuel C. Kanady of Rodman,

Ethel Bronson of Rutland, John Durkee of Champion, Thomas Brayton of Wilna, Sylvius Hoard of Antwerp, Musgrove Evans of Le Bay, John Paddock of Brownville and Eliphalet Edmonds of Adams, until the whole of the stock of said corporation is subscribed for, and five per cent. on the amount of the same paid into the hands of the commissioners.

III. *And be it further enacted*, That the commissioners above named, or a majority of them, shall meet at the house of Isaac Lee, in the village of Watertown, and fix on the site for the banking-house, and make an equitable distribution of the stock of said corporation among the subscribers for the same, and receive from the subscribers five per cent. on the amount of their subscription, on the first Monday of June next: *And provided further*, that it shall be the duty of the above named commissioners, or a majority of them, at that time, or as soon thereafter as may be, three weeks notice of which shall be given in the newspapers printed in the county of Jefferson, to receive the votes of the stockholders, to whom they shall have apportioned the stock, for thirteen directors; and the persons having the greatest number of votes, shall be the directors for the first year; each stockholder having one vote, either in person or by proxy, for each share that he or she may own in said stock: *And further*, that it shall be the duty of the said commissioners, as soon as may be after the directors are chosen for the first year, to pay over to them all the money that they may have received, on subscriptions for the stock of said corporation, reserving three dollars per day as a compensation for their services: *And further*, that on the first Monday in June, in each succeeding year, an election for thirteen directors, to manage the stock, property and affairs of said corporation, shall take place in the manner herein after mentioned, who shall be stockholders and citizens of this state, and shall hold their offices for one year, and until others shall be chosen in their places: The election for directors shall be held in the county of Jefferson, in each year, at such time and place as a majority of the directors shall appoint; and public notice shall be given, not less than thirty days previous to the time of holding said subsequent election, by an advertisement, to be inserted in one or more of the public newspapers printed within the county of Jefferson: The said election shall be made by the stockholders in the said corporation, either in person or by proxy, and all elections for directors shall be by ballot; each stockholder shall be entitled to one vote on each share of the capital stock of said bank, which he or she shall have held in his or her name at least thirty days previous to such election; and the thirteen persons who shall have the greatest number of votes, as aforesaid, shall be directors; and if it should happen at any election, that two or more persons elected as aforesaid, shall have an equal number of votes, then the directors in office at the time of such election, or a major part of them, shall proceed to ballot, and by plurality of votes determine, which of the said persons, so having an equal number of votes, shall be director or directors, so as to complete the whole number so to be elected; and the directors, as soon as may be thereafter, shall proceed, by ballot, to elect one of their number to be their president; and if any director, living in the county of Jefferson, shall remove out of the same, his office shall be considered as

Site of the
bank to be
fixed.

Proviso.

Directors to
be elected.

Annual election
to be on
the 1st Monday
in June.

vacant; and all vacancies in the direction shall be filled, for the remainder of the year in which they shall happen, by such person or persons as the remainder of the directors, or a majority of them, shall appoint.

Election
may be held
on any day.

IV. *And be it further enacted*, That in case it should at any time happen, that an election of directors should not be made on the day prescribed by this act, the corporation for that cause shall not deemed to be dissolved, but that it shall and may be lawful, on ~~any~~ other day, to hold and make an election of directors, according to the by-laws and regulations of the said corporation.

By-laws.

V. *And be it further enacted*, That the directors for the time being, or a majority of them, shall have full power to make and prescribe such by-laws, orders, rules and regulations, as to them shall appear needful, touching the management and disposition of the stock, property, estate and effects of the said corporation, and the time and manner of the discounts and deposits made in and by the same, the duties and conduct of the officers, clerks and servants employed therein; the election of directors, and all such matters as appertain to the business of a bank; and shall also have power to appoint so many officers, clerks and servants, for carrying on all and singular the said business, and with such salaries and allowances, as to them shall seem meet: *Provided*, that such by-laws, orders, rules and regulations, be not repugnant to the constitution and laws of this state, or of the United States.

Transfers.

VI. *And be it further enacted*, That no transfer of stock shall be valid or effectual, until such transfer shall be registered in a book or books, to be kept for that purpose by the directors, and unless the person making the same shall previously discharge all debts, due by him or her to the said corporation, which exceed in amount the residuary stock of such person.

Debts.

VII. *And be it further enacted*, That the total amount of debts, at any time and in any manner due by the said corporation, over and above the specie then actually deposited in the bank, shall not exceed three times the sum of the capital stock subscribed and actually paid into the said bank; and in case of any excess, the directors, under whose administration the same may have happened, excepting those who dissented therefrom, or who were not present when the same did happen, shall, in their individual and private capacities, be liable for such excess, and the estate of the said corporation shall likewise be liable therefor.

Bills.

VIII. *And be it further enacted*, That the bills, obligatory and of credit, under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by indorsement thereon, under the hand or hands of such person or persons, his, her or their assignee or assignees, and so as absolutely to transfer and vest the property thereof in each and every assignee or assignees, respectively, and to enable such assignee or assignees to bring and maintain an action thereupon, in his, her or their own name or names; and bills or notes which may be issued by order of the said corporation, promising the payment of money to any person or persons, his, her or their order, or to bearer, though not under the seal of the said corporation, shall be binding and obligatory upon the same, in like manner and with the like form and effect, as upon any private

person or persons, if issued by him, her or them, in his, her or their private capacity or capacities, and shall be assignable or negotiable, in like manner as if they were so issued by such private person or persons.

IX. *And be it further enacted*, That if at any time after the passage of this act, the said president, directors and company, shall refuse, on demand being made at their banking-house during the regular hours of business, to redeem, in specie or other lawful money of the United States, their said bill or bills, note or notes, or other evidences of debt issued by the said company, the said president, directors and company shall, on pain of forfeiture of their charter, wholly discontinue and cease their said banking operations, either by way of discount or otherwise, until such time as the said president, directors and company shall resume the redemption of their said bills, notes, or other evidences of debt, in specie or the lawful money of the United States; and in case the said president, directors and company shall, at any time hereafter, offend against either of the provisions of this act, it shall be the duty of the attorney general of this state, by information or otherwise, to prosecute said company for such offence, and on conviction thereof, their charter shall be deemed void.

X. *And be it further enacted*, That it shall be lawful for the directors for the time being, to call and demand of the stockholders respectively, all such sums of money, by them subscribed, or to be subscribed, at such time and in such proportions as they shall see fit, under pain of forfeiture of their shares, and all previous payments made thereon, to the said company; always, however, giving sixty days previous notice of such call and demand, in one or more of the newspapers published as aforesaid.

XI. *And be it further enacted*, That it shall be the duty of the directors, to make half yearly dividends of so much of the surplus of the said bank, as they, or a majority of them, shall deem advisable; and that the said corporation shall not demand any greater interest, on a loan or discount, for a time not exceeding sixty days, than at the rate of six per centum per annum.

XII. *And be it further enacted*, That this present act of incorporation shall in no wise be forfeited by any non-user whatsoever, at any time before the first day of January next; and it shall on that day be lawful for the stockholders above mentioned, to assemble for the purpose of carrying the same into effect; any want of notice, in the manner above prescribed, to the contrary in any wise notwithstanding.

XIII. *And be it further enacted*, That this act shall be deemed a public act, and shall be benignly and favorably construed, for all the purposes therein expressed and declared, in all courts and places whatsoever.

XIV. *And be it further enacted*, That it shall be the duty of the president and cashier of said bank, for the time being, to make a return, under oath, to the Legislature of this state, once in each year if required either by the Senate or Assembly, which return shall contain a full and true account of the funds and property of the said bank, the amount of its capital stock subscribed and paid, the amount of the debts due to and from the said bank, the amount of

the bills and notes emitted by the said bank, in circulation, and the amount of specie in said bank at the time of making such return; and in case the said president and cashier shall refuse or neglect to make such return as aforesaid, within thirty days after the same shall have been required as aforesaid, the Legislature may at any time thereafter in their discretion dissolve the said corporation.

CHAP. CCXXXII.

AN ACT to incorporate the Nyack Turnpike Company.

Passed April 17, 1816.

I. BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That Teunis Smith, Robert Hart, Abram Talman, Teunis D. Peu, Peter Smith, Jeremiah H. Pierson, Edward Suffern, John E. Meyres and William Young, and their associates be, and they are hereby appointed a body politic and corporate, for the purpose of making a good and sufficient turnpike road, to begin at the cross road near Nyack landing, in Orange town, in the county of Rockland, between the houses of Teunis Smith and Peter Smith; running thence westerly along the old road, until in front of said Peter Smith's dwelling house, and from thence the most direct and convenient route to the Orange turnpike road, and to pass in front of the dwelling house of John Suffern, in the town of Heampstead in said county, be and they are hereby created a body corporate and politic, by the name of "the President and Directors of the Nyack Turnpike road Company," and they are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, and by that name, they and their successors shall and may be capable of suing and being sued, pleading and being impleaded, defending and of being defended in all courts and places whatsoever; and shall be capable in law of purchasing, holding and conveying any estate, real and personal, provided that such real estate be necessary only to fulfil the end and intent of the said corporation.

II. And be it further enacted, That the stock of the said company hereby incorporated, shall consist of seven hundred shares of twenty-five dollars each, and that Jeremiah H. Pierson, John E. Meyres and Teunis Smith, be, and they are hereby appointed commissioners to receive subscriptions for the said stock, in the manner directed in and by the act, entitled "an act relative to turnpike-companies," passed the 13th of March, 1807.

III. And be it further enacted, That the said company hereby incorporated shall be entitled to exact and receive at each of the gates or turnpikes to be erected on said road, for any number of miles, not less than ten in length of the said road, the following sums of money or toll, and so in proportion for any greater or less distance, from all persons using or travelling the same: for every waggon drawn by two horses, mules or oxen, twelve and an half cents, and three cents for every additional horse, mule or ox attached to such waggon, and for every cart or other carriage of draft, the same as a waggon; for every horse and rider, four cents; for

every horse led or driven three cents; for every cart, drawn by one horse or mule, six cents; for every chair, sulkey, chaise or other pleasure carriage with one horse, twelve and an half cents; for every chariot, coach, coachee or phaeton, or other four-wheeled pleasure carriage, twenty-five cents; for every sleigh or sled, drawn by two horses, mules or oxen, eight cents, and so in proportion for a greater or less number of horses, mules or oxen; for every score of horses or cattle, twenty cents, and so in proportion for a greater or less number; and for every score of sheep or hogs, eight cents: *Provided*, that all persons living adjacent to said road, and having lands lying on both sides of said gates, or either of them, and within one mile of said road, such person shall be exempt from paying the above toll in going to and returning from said lands through said gates, with teams, carriages or otherwise. Proviso.

IV. *And be it further enacted*, That the said company hereby incorporated shall have and enjoy all the rights, privileges and immunities which are given and granted in and by the aforesaid act, and the act entitled "an act relative to turnpike companies," passed April 10th, 1813, and shall be subject to all the conditions, provisions, restrictions and regulations contained in the acts above referred to, with the exception, that it shall not be necessary for the said road to exceed three rods in width, nor the chord of the arch thereof to exceed twenty-two feet: *And provided*, that the said road shall in no part rise above degrees on a parallel with the horizon; that no toll gate shall be placed on the same within one half of a mile of its junction with the Orange turnpike, and that the appraisers be appointed to ascertain any damage, occasioned by the opening of said road, agreeably to the provisions contained in the "act relative to turnpike companies," passed the 13th of March 1807, shall be appointed by one of the judges of the county of Orange, and shall be selected from the freeholders of the last mentioned county. Privileges and restrictions.

V. *And be it further enacted*, That the time for completing the Bellvale and Monroe turnpike road shall be, and hereby is extended until the first day of November in the year of our Lord one thousand eight hundred and twenty, any thing in the act relating to turnpike road companies, to the contrary notwithstanding. Further time allowed to finish the Bellvale and Monroe turnpike.

CHAP. CCXXXIII.

AN ACT to complete the road from Hopkinton to North-west Bay.

Passed April 17, 1816.

I. *BE it enacted by the people of the State of New-York, represented in Senate and assembly*, That the sum of four thousand dollars, be, and the same is hereby appropriated to complete the road from Hopkinton, in the county of St. Lawrence, to North-west Bay, on lake Champlain, in the county of Essex: And the commissioners of the land-office are hereby required to raise the said sum by the sale of so many of the lots in the tracts of unappropriated lands of this state, through which the said road passes, as shall be necessary; the said sale to be on such terms and conditions, as shall, in the opin- Appropriation.

ion of the commissioners of the land-office, be best calculated to answer the objects of this act, and the interests of this state.

Commissioners.

II. *And be it further enacted*, That of the said sum, two thousand dollars shall be applied to making the said road from Hopkinton, in St. Lawrence county, to the house of David Graves, in the town of Keene, in Essex county, and the residue of the said sum to the making and completing the residue of the said road; and Iddo Osgood, Malcolm M'Martin and James M'Intyre are hereby appointed commissioners to superintend the making and completing of the said west end of said road; and David Graves, John Calkins and Boughton Lobdell, to superintend the making and completing the said east end thereof; and the said several commissioners shall each enter into a bond to the people of this state, with one or more sureties, to be approved of by the comptroller, in the sum of three thousand dollars, conditioned for the faithful discharge of their duties under this act, according to the true intent and meaning thereof; and that they account to the comptroller for the faithful expenditure of the monies which may come into their hands as commissioners aforesaid, whenever thereunto required by the comptroller.

A further sum of 200 dollars appropriated.

III. *And be it further enacted*, That the sum of about two hundred dollars, which, in consequence of the death of Benjamin Pond, late a commissioner for improving said road, remains unexpended of one thousand dollars, appropriated by the act, entitled "an act to amend an act, entitled "an act to amend certain acts, relative to the city of Hudson, and for other purposes," passed April 5th, 1810, shall be paid in equal proportions to the said two sets of commissioners, or to either set, as they may together agree to be most proper; and to apply the same to the completion of the road aforesaid.

Pay of the commissioners.

IV. *And be it further enacted*, That the said commissioners shall be each entitled to two dollars per day for the time necessarily employed by them in the discharge of their duties.

CHAP. CCXXXIV.

AN ACT declaring certain waters therein mentioned, public highways.

Passed April 17, 1816.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That the river Conhocton, from the village of Bath, in the county of Steuben, to Jonas Cleland's mills on said river; the Canoni creek, in the town of Bath and county aforesaid, commonly called the five mile creek, from George W. Taylor's mills to its junction with the said Conhocton river; Bennet's creek, in the town of Canisteo, in the county aforesaid, from John Moor's mills, to its junction with the Canisteo river; Mead's creek, in the town of Painted Post, in the county aforesaid, from the saw-mill lately erected thereon, up the same, to the town line of the town of Jersey, be and they are hereby declared public highways: *Provided however*, that the owners of the adjoining lands may erect mills or other water works, store houses or docks, on the said waters,

so that the same shall not obstruct the navigation thereof: *And provided further*, that nothing herein contained, shall be construed to abridge any pre-existing private rights.

II. *And be it further enacted*, That if any person, after the passing of this act, shall dam up or obstruct the navigation of said river or creeks, by erecting or building any mill dam, or by the building or erecting of other works, contrary to the provisions of this act, every such person so offending, shall forfeit for each offence, the sum of twenty dollars, to be recovered with costs of suit by action of debt, by and for the use of any person who will sue for the same before any justice of the peace; and the person so offending, shall also be deemed guilty of a misdemeanor, and be prosecuted accordingly by indictment: *Provided however*, that if any person or persons, erecting or building a mill or mills or other works, on either of the above described streams, shall cut or dig a sufficient canal, or canals, or erect suitable locks, so that the said streams may be safely navigated, that the said person or persons shall not be liable to any of the penalties of this act.

CHAP. CCXXXV.

AN ACT relative to a certain highway, in the town of Minden, in the county of Montgomery.

Passed April 17, 1816.

WHEREAS, the commissioners of highways, of the town of Minden, in the county of Montgomery, lately laid out a public road, beginning at or near the house of Henry Gross, in said town, and running from thence to or near the house of John Davie, where it intersects the Dutch town road, leading to Fort Plain: *And whereas* it appears that certain persons conceived themselves aggrieved thereby, appealed as the law directs to three judges of the court of common pleas of said county, and that said judges, on the thirtieth day of May, one thousand eight hundred and fifteen, made a determination in the premises which could not be carried into effect; in consequence of which said persons, so conceiving themselves aggrieved as aforesaid, by the laying out of said road, remain remediless by the provisions of the act to regulate highways: Therefore,

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the proceedings of the said commissioners of highways, in laying out said road as aforesaid, be and the same is hereby declared null and void, any law to the contrary notwithstanding.

CHAP. CCXXXVI.

AN ACT for the payment of certain Officers of Government, and for other purposes.

Passed April 17, 1816.

I. BE it enacted by the people of the State of New-York, repre-
Pay of the chaplains of the Legislature. **sented in Senate and Assembly,** That the treasurer pay on the warrant of the comptroller, to each of the several clergy who shall have attended the Legislature as chaplains, during the present session of the Legislature, the sum of two dollars and fifty cents for every day they may have so attended; and that the number of days each shall have attended, shall be certified by the president of the Senate and the speaker of the Assembly.

II. And be it further enacted, That the treasurer pay on the *Of the members and officers of the Legislature.* warrant of the comptroller, to the president of the Senate and the speaker of the house of Assembly, the sum of one dollar and fifty cents for each day's attendance in their respective stations; to each member of the Senate and Assembly, the sum of one dollar for each day's travel and attendance in the Legislature; to the clerks of the Senate and Assembly, and to their respective deputies, to the sergeant at arms, and to the door keepers of the Senate and Assembly, and to the messenger and door keeper of the council of revision and council of appointment, the sum of one dollar for each day's attendance in their respective stations during the present year, in addition to the compensation allowed them respectively by the act, entitled "an act for the support of government."

III. And be it further enacted, That the treasurer pay on the *Contingent expenses of the Governor.* warrant of the comptroller, to the person administering the government of the state, to defray the incidental expenses of administering the same, a sum not exceeding three thousand dollars: *Provided,* that the person administering the government shall account with the comptroller for the expenditure of the said sum of three thousand dollars.

IV. And be it further enacted, That the treasurer pay on the *Rent and taxes of his house.* warrant of the comptroller, the rent and taxes for the last year, of the house occupied by his excellency the Governor.

V. And be it further enacted, That the treasurer shall pay on the *Allowance for making indexes to journals.* warrant of the comptroller, to John F. Bacon, clerk of the Senate, fifty dollars, for making an index to the journals of the Senate, and to Aaron Clark, clerk of the Assembly, for making an index to the journals of the Assembly, fifty dollars; and that the treasurer shall pay on like warrant, to the said John F. Bacon and Aaron Clark, respectively, the sum of four dollars per day, as a compensation for additional assistant clerk employed by them respectively, during the present session of the Legislature.

VI. And be it further enacted, That the treasurer shall pay on the *Pay of witnesses called before the committee of elections.* warrant of the comptroller, to William G. Hall, Luke Metcalf, Benjamin Hall, Henry Randall, John Lewis, Hyatt Banks, Abel Adams, junior, and Alpheus Goodrich, the sum of twenty dollars each, for their attendance and expenses, respectively, as witnesses before the committee of privileges and elections, upon the application

of Francis Henry and others, to vacate the seats of Arunah Metcalf and others, in the month of February last; and the said treasurer shall also pay, on the warrant of the comptroller, to John H. Prentiss, the sum of ten dollars, for services by him done and performed in the case aforesaid, in taking affidavits to be read before the said committee.

VII. *And be it further enacted*, That from and after the first day of June next, there shall be allowed and paid to the clerk of the supreme court, keeping his office in the village of Utica, the same compensation for his services, and the same allowance for clerk-hire and office expenses, and to be paid in the same manner, as is now allowed and paid to the clerk of the supreme court keeping his office in the city of Albany. Salary of the clerk of the sup. court at Utica.

VIII. *And be it further enacted*, That from and after the first day of January last, there shall be paid to the several officers of government herein after mentioned, the following annual salaries, payable quarter-yearly, in lieu of the compensations at present allowed to them: to the chancellor, the sum of four thousand five hundred dollars; to the chief justice, the sum of four thousand five hundred dollars; to each of the other four judges of the supreme court, the sum of four thousand five hundred dollars; but this provision shall not be construed to extend to any judges of the supreme court who may be appointed after the number shall amount to five, nor to authorise the increase of their number without special legislative provision for that purpose. Salary of the chancellor & judges of the sup. court.

IX. *And be it further enacted*, That the treasurer shall pay annually, from the first day of January last, in quarterly payments, on the warrant of the comptroller, to the person administering the government of this state, the sum of seven thousand dollars, in lieu of his salary at present allowed by law. Of the Governor.

X. *And be it further enacted*, That the salary of the comptroller shall hereafter be two thousand five hundred dollars a year, instead of the salary now allowed him, to be paid quarter-yearly, as the other salaries of the officers of government are paid; which said salary shall be calculated from the first day of January last. Of the comptroller.

XI. *And be it further enacted*, That the salary of the deputy comptroller, and deputy secretary of this state and as clerk of the land office, shall hereafter be seventeen hundred and fifty dollars each year, instead of the salary now allowed them respectively, to be paid quarter-yearly, and to be calculated from the first day of January last. Of the deputy comptroller and deputy secretary.

XII. *And be it further enacted*, That the treasurer shall pay, on the warrant of the comptroller, the expense of fire wood and necessary stationary for the comptroller's office, including the expense of those articles for the last year. Comptroller allowed stationary and fire wood.

XIII. *And be it further enacted*, That the comptroller be and he is hereby required to postpone or suspend all proceedings at law or in equity, to recover against Samuel A. Gilbert the sum due upon the bond and mortgage, given by him to the people of this state, as surety for Smith Cogswell, until the end of the next session of the Legislature. Prosecution against S. A. Gilbert postponed.

XIV. *And be it further enacted*, That the treasurer pay, on the warrant of the comptroller, to Jesse Ware, the sum of four hundred Jesse Ware's allowance.

dollars, in full of all claims and demands, of every kind and nature, which he may have against the people of this state.

State prison agent to be paid 30,000 dollars.

XV. *And be it further enacted*, That the treasurer, shall pay, on the warrant of the comptroller to the agent of the state prison, a sum not exceeding thirty thousand dollars, in such sum or sums, and at such time or times as the inspector may require for the support of the institution.

Money received for lottery tickets may be loaned.

XVI. *And be it further enacted*, That it shall be lawful for the comptroller to loan the monies which may be received into the treasury, for tickets in any lottery hereafter to be sold, upon receiving satisfactory security, to be approved of by himself and the attorney general, for the repayment of such monies, with legal interest, within twenty days after the drawing of any such lottery shall be completed.

Comptroller allowed his expenses on attending to sell tickets.

XVII. *And be it further enacted*, That it shall be lawful for the comptroller to draw on the treasurer for his reasonable expenses, incurred or to be incurred in attending, with the managers, to the public sale of lottery tickets, and to the examining and receiving of securities for tickets so sold.

300 copies of journals to be printed.

XVIII. *And be it further enacted*, That after the present session of the Legislature, the printer to this state, instead of the number of copies which he is now directed by law to print of the journals of the Senate and Assembly, shall only print three hundred copies for this state; and for said three hundred copies, he shall be paid seven dollars and fifty cents per sheet; and town clerks shall not be furnished with the journals of the Senate and Assembly after the present session.

Deduction of 1 per ct. on the prompt payment of lands discontinued.

XIX. *And be it further enacted*, That the twenty-ninth section of the act, entitled "an act concerning the commissioners of the land office, and the sale of the unappropriated lands," be and the same is hereby repealed.

Allowance to C. Wilkes

XX. *And be it further enacted*, That the treasurer, on the warrant of the comptroller, shall pay to Charles Wilkes such sum as the comptroller shall deem a reasonable compensation for his services, in procuring subscriptions to the state loan last year, and other services in relation to that loan.

Interest of funded debt, how to be paid.

XXI. *And be it further enacted*, That it shall not be necessary to cause the interest on the funded debt of the state to be paid at the treasury, after the expiration of the first eight weeks of every quarter, as the sixth section of the act, entitled "an act to create a public and transferable stock, and to lay and collect additional taxes for the use of this state," requires, but that the payment of the same may be continued at the banks of state deposits, until the comptroller shall otherwise direct.

Abra'm Van Vechten to be paid for blank leases.

XXII. *And be it further enacted*, That the treasurer, on the warrant of the comptroller, shall pay to Abraham Van Vechten, late attorney general of this state, the amount of the expense incurred by him, for blank leases for leasing certain lands for the benefit of the posterity of Peter Otsequette.

Fees for certain searches not to be charged by the clerks of su court.

XXIII. *And be it further enacted*, That it shall not be lawful for the clerks of the supreme court of this state to demand any fees from persons to whom the comptroller shall make loans out of the school or other funds of the state, for searches or certificates to satisfy

the attorney general whether the lands to be mortgaged to secure such loans are incumbered by judgments.

XXIV. *And be it further enacted*, That the certificates of the delivery at the state prison, of convicts sentenced to imprisonment in the state prison, shall be given by the principal keeper of the state prison, to and in the name of the person delivering the prisoners, whether such person be the sheriff of the county where the prisoners were convicted, or his deputy.

XXV. *And be it further enacted*, That it shall and may be lawful for the board of supervisors of the county of Broome to draw on the treasurer of said county for the further sum of three hundred dollars, to be appropriated to the completion of the fire-proof clerk's office in said county; and the treasurer of the said county is hereby authorised and required to pay such sum out of any monies now remaining, or which shall hereafter be in his hands unappropriated.

XXVI. *And be it further enacted*, That the sum of two thousand dollars be, and the same, is hereby appropriated, for the preservation of the works and fortifications erecting by the state on Staten island; and the comptroller shall issue his warrant for the same, on the order of the person administering the government.

XXVII. *And be it further enacted*, That it shall be lawful for the attorney general to suspend issuing an execution for one year, on a judgment recorded in the supreme court of this state, in favor of Jacob Holmes, administrator of Stephen Thorne, deceased, against George B. Rapelye, the amount of which judgment is due to the people of this state.

XXVIII. *And be it further enacted*, That one third of all monies which may at any time hereafter come into the treasury of this state, except such sums as shall be deposited, to the credit of the treasury, on the bank of New-York, shall be deposited in the Mechanics and Farmers' bank in the city of Albany, any law to the contrary notwithstanding—subject to all the same provisions relative to the manner of keeping the account, as contained in the third section of the act, entitled "an act relative to the office and duties of the treasurer of this state; and it shall be the duty of the comptroller to procure from the books of said bank, monthly statements of all the monies which shall be received into, and paid out of the same, on account of the treasury of this state: And it shall be the duty of the Governor, by and with the advice and consent of the council of appointment, to appoint some suitable person as a director of the said bank, for and on the part of the state: *Provided*, that within thirty days after the passage of this act, the president and directors of the said Mechanics and Farmers' bank shall, as a condition of receiving said deposits, file a certificate of their consent to the appointment of such director, in the office of the comptroller of this state.

XXIX. *And be it further enacted*, That a circuit court and court of oyer and terminer and general gaol delivery, shall be holden in and for the county of Warren, at the Lake George coffee-house, in the town of Caldwell, in said county, on the second Monday of July next.

XXX. *And be it further enacted*, That the committee for examining the treasurer's accounts, may destroy, by burning, such bills of credit, of the emission of one thousand seven hundred and

Certificates of delivery of state prison convicts.

Clerk's office in Broome county to be completed.

Appropriation for the forts on Staten island.

Execution against G. B. Rapelye suspended for one year.

Deposits in the Mechanics and Farmers' bank.

Circuit court in Warren county.

Certain bills of credit may be destroyed

eighty-six, and one thousand seven hundred and eighty-eight, as have been or may be redeemed by the treasurer of this state, first making a list of such certificates, specifying their designating numbers and amounts, which list they shall sign and hedge in the comptroller's office.

R. Platt & W. Carpenders salaries to be paid. XXXI. *And be it further enacted,* That the treasurer, on the warrant of the comptroller, shall pay to Richard Platt, late assistant commissary for the southern district of this state, and to the legal representatives of William Carpender, late one of the assistant commissaries of the western district, the salaries of the said assistant commissaries respectively, from the time of the passing of the act, entitled 'an act to amend the act, entitled "an act concerning the inspection of soal-leather, and for other purposes," passed 18th April, 1815, to the ninth day of July last, when they received their appointments under said act—they having respectively performed the duties of said offices during the time aforesaid.

Treasury notes to be received for interest by comptroller XXXII. *And be it further enacted,* That the comptroller be, and he is hereby authorised, to receive in payment of interest due to this state from the United States, treasury notes of the United States, which may be funded for stock, bearing interest at the rate of seven per cent. per annum, payable quarterly; and when so received either to fund or sell the same for the people of this state, as he shall deem most for the interest of this state.

Allowance to B. V. Clench. XXXIII. *And be it further enacted,* That the treasurer, on the warrant of the comptroller, shall pay to Benjamin V. Clench, such sum as the comptroller shall deem a reasonable compensation for his services as auctioneer, in selling lands for taxes, in the month of November last.

Pettibone stoves. XXXIV. *And be it further enacted,* That the treasurer, on the warrant of the comptroller, shall pay the expense of erecting Pettibone stoves, in any or all of the public offices in the state hall.

Temporary loans may be made. XXXV. *And be it further enacted,* That it shall be lawful for the comptroller to make temporary loans from any bank or banks within this state, if he find the same necessary, in order to meet legal demands on the treasury, and to engage on behalf of this state, to make payment of such loans within specific periods.

Loans may be made to pay debts due to certain banks. XXXVI. *And be it further enacted,* That it shall be lawful for the comptroller, to borrow, in addition to the sum prescribed, in and by the first section of the act, entitled "an act to create a public and transferable stock, and to lay and collect additional taxes, for the use of this state," the sum of two hundred thousand dollars, on the like interests, terms and conditions, as are prescribed in and by said act: And it shall be the duty of the comptroller, out of the monies to be borrowed under said act, and under this provision, to discharge the debts due from this state to the Merchant's Bank, the Manhattan company, the New-York State Bank and the bank of Albany: **Proviso.** *Provided however,* that the said debts shall only be paid to such of the said banks as shall loan on the interest, terms and conditions prescribed by said recited act, a sum or sums at least double in amount to the sums so to be paid off and discharged.

Expenses for the repairs of state hall allowed. XXXVII. *And be it further enacted,* That it shall be lawful for the comptroller to audit and allow the surveyor general's account of necessary expenses in repairing the state hall, and for the erection

of a gallery in the comptroller's office, for the preservation of the books and papers in that office, and to draw his warrant on the treasurer, for the payment of such balance as shall be found due to the said surveyor general, over and above the appropriation made in and by the tenth section of the "act, for the payment of certain officers of government, and for other purposes," passed the 18th of April, 1815; and in the settlement of the said account, it shall be lawful to allow to the said surveyor general, for the interest which he shall appear to have paid for monies borrowed for the objects aforesaid: *And further*, that the surveyor general be authorised to erect a stone drain through the state hall lot, in place of the wooden one now there; and that the treasurer, on the warrant of the comptroller, pay the expense thereof.

XXXVIII. *And be it further enacted*, That the treasurer, on the warrant of the comptroller, pay to the several county clerks, within this state, the expenses they may have respectively incurred in distributing, in conformity to the concurrent resolutions of the Senate and Assembly of the fifteenth day of April, in the year one thousand eight hundred and fourteen, copies of the act, entitled "an act for taking a census of the electors and inhabitants of this state," passed 15th April, 1814.

County clerks allowed certain expenses.

XXXIX. *And be it further enacted*, That so much of the act, entitled "an act to alter the terms of the courts of common pleas, and general sessions of the peace, in the county of Rensselaer," as relates to the August term of the said court of common pleas in said county, be, and the same is hereby repealed.

Rensselaer com. pleas.

XL. *And be it further enacted*, That the time limited for completing the navigation of the Black River, in and by "an act, entitled an act to amend an act, entitled "an act, for improving the navigation of the Black river, in the county of Jefferson," passed 8th March, 1811; and in and by the fourth section of an act, entitled "an act concerning certain quit rents, and for other purposes" passed June 19th, 1812, be and the same hereby is extended to the first Monday in May, in the year one thousand eight hundred and eighteen, any law to the contrary notwithstanding.

Black river navigation.

XLI. *And be it further enacted*, That the board of supervisors of the county of Ontario be, and they are hereby authorised, to apply so much of the money in the treasury of said county, not otherwise appropriated, or to come into said treasury by the sale of the old jail and lot in the village of Canandaigua, as will be necessary to pay the balance of the expenditure made by their committee, in building the new jail in said county, and the purchase of a small lot annexed thereto; and the treasurer of said county is hereby authorised to pay to the building committee of the said board of supervisors, the balance of their accounts agreeable to the provision aforesaid.

Ontario county to be completed.

XLII. *And be it further enacted*, That the treasurer shall pay, on the warrant of the comptroller, to Isaac Wilson, twenty-five dollars, and to Ebenezer Wilson, junior, and Ira Wilson, seventy-nine dollars and fifty cents, for sundry arms and accoutrements furnished by them for the use of this state.

I. Wilson & others to be paid for arms.

XLIII. *And be it further enacted*. That all accounts against the superintendent of common schools, for the postage of his official letters, shall be audited by the comptroller, and paid on his warrant therefor, out of any monies in the treasury not otherwise appropriated.

Superintendent of common schools to be allowed postage.

Accounts of
W. Carpen-
der to be
settled.

XLIV. And be it further enacted, That in order to enable Lucy Carpenter, widow of William Carpenter, deceased, late assistant commissary of the western district, to settle the account of her deceased husband with the comptroller, which, by reason of the death and derangement of the papers of the said William Carpenter, she is now unable to do, the comptroller is hereby directed to release and discharge the estate of said William Carpenter from the demand which appears against him on the comptroller's books, amounting to three hundred and fifty-five dollars and nine cents.

In what cases
the bodies of
defendants
are to be ex-
empted from
imprison-
ment.

XLV. And be it further enacted, That no defendant shall be allowed the exemption of his body from imprisonment, under the first proviso of the eleventh section of the act, entitled "an act for the recovery of debts to the value of twenty-five dollars, unless at the time of pleading such exemption he shall give satisfactory security to the justice trying the cause, that he will be within the jurisdiction of the said justice, so that his body may be taken in execution, provided the said instalments shall not be paid as they fall due; and when such security shall be given, and default made in the premises, the person becoming such security shall answer the default, by paying the said judgment, or by producing the body of the defendant, so that it may be taken in execution within thirty days after such default.

Additional
allowance
to the sup.
of salt springs.

XLVI. And be it further enacted, That there be allowed annually to the superintendent of the salt springs in the county of Onondaga, in addition to his present salary, the sum of two hundred and fifty dollars.

J. F. Bacon
to be paid
for furniture
to senate
chamber.

XLVII. And be it further enacted, That the treasurer, on the warrant of the comptroller, shall pay to John F. Bacon, clerk of the Senate, such sums of money as have been expended by him, during the late recess and the present session of the Legislature, for furniture for the Senate chamber and the lobby of the Senate.

Allowance
to the door
keeper of the
councils.

XLVIII. And be it further enacted, That the treasurer shall pay, on the warrant of the comptroller, to the door-keeper of the council of revision and the council of appointment, the same additional pay for his attendance on the council of appointment during the recess of the Legislature for the last year, as was allowed to him by the act, entitled "an act for the payment of certain officers of government and for other purposes," passed in the year one thousand eight hundred and fifteen.

Reporter's
salary.

XLIX. And be it further enacted, That the reporter appointed, or hereafter to be appointed by the justices of the supreme court, in pursuance of the ninth section of the act, entitled "an act concerning the supreme court," shall, from and after the first day of May next, be allowed for his salary the annual sum of two thousand dollars, to be paid quarterly, by the treasurer, on the warrant of the comptroller; subject, nevertheless, to the same provisos which are contained in the act, entitled "an act relative to the salary of the reporter appointed by the justices of the supreme court," passed April 15, 1814.

Commis-
sioners to
examine re-
lative to the
state prison.

L. And be it further enacted, That James Burt, Peter W. Radcliff and Thomas C. Tayler be, and they are hereby appointed commissioners, to examine into all matters relating to the management of the concerns of the state prison, and to report to the Legislature, at the next session thereof, whether any, and if any, what improvements may be made in the system of conducting and managing of said institution, so as to reduce the expense thereof; and in order that the said commissioners may be the better enabled to form a correct judgment of what may be necessary, if any thing, for the improvement

and more economical management of the said institution, the said commissioners, or any one or more of them, may, at the expense of this state, visit the state prison at Philadelphia; and the sum of five hundred dollars is hereby appropriated, for the services and expenses of the said commissioners; and the said commissioners shall account with the comptroller for the expenditure of the money which may be paid to them; and the said commissioners shall be allowed for their services, whilst engaged in the duties assigned to them, five dollars per day.

LI. *And be it further enacted*, That the surveyor-general shall be allowed, instead of his present salary, a salary of two thousand two hundred and fifty dollars per annum, to be calculated from the first day of January last. Surveyor-general's salary.

LII. *And be it further enacted*, That the treasurer shall be allowed, instead of his present, a salary of two thousand dollars per annum, to be calculated from the first day of January last. Treasurer's salary.

LIII. *And be it further enacted*, That so much of the eleventh section of the act, entitled "an act for the recovery of debts to the value of twenty-five dollars," as exempts the defendant's body from execution, be and the same is hereby repealed. Part of the 25 doll. act repealed.

CHAP. CCXXXVII.

AN ACT to provide for the improvement of the internal navigation of this state.

Passed April 17, 1816.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Stephen Van Rensselaer, De Witt Clinton, Samuel Young, Joseph Ellicott and Myron Holley, be, and they are hereby appointed commissioners, to consider, devise and adopt such measures as may or shall be requisite, to facilitate and effect the communication, by means of canals and locks, between the navigable waters of Hudson's river and lake Erie, and the said navigable waters and lake Champlain; and in case of the resignation or death of any of the said commissioners, the vacancy thereby occasioned, shall be supplied by the Legislature, in the manner in which senators of the United States, from this state, are directed to be chosen. Commissioners.

II. *And be it further enacted*, That the said commissioners shall choose one of their number, to be president of their board, and shall appoint a fit person for their secretary, who shall be allowed and paid such salary as the said commissioners shall deem proper and reasonable: And the president of the said board of commissioners, shall have power to call a meeting of the same whenever in his opinion, the public interests require it; and the said board may adjourn from time to time, to meet at any time and place they may deem most conducive to the public good: *And further*, the said commissioners shall have power to employ such and so many agents, engineers, surveyors, draftsmen and other persons, as in their opinion may be necessary to enable them to fulfil and discharge the duties imposed upon them by this act, and to allow and pay the said agents, engineers, surveyors, draftsmen and other persons, for their respective services, such sum or sums as may be adequate and reasonable. President & secretary to be chosen.

III. *And be it further enacted*, That it shall be the duty of the said commissioners, as soon as may be after the passing of this act, to cause those parts of the territory of this state which may lie upon or contiguous to the probable courses and ranges of the said Route of the canal to be explored.

canals, to be explored and examined for the purpose of fixing and determining the most eligible and proper routes for the same, and to cause all necessary surveys and levels to be taken, and accurate maps, field books and drafts thereof to be made, and further to adopt and recommend proper plans for the construction and formation of the said canals, and of the locks, dams, embankments, tunnels and aqueducts which may be necessary for the completion of the same, and to cause all necessary plans, drafts and models thereof, to be executed under their direction.

Applica-
tions to be
made for
grants and
donations.

IV. *And be it further enacted*, That the said commissioners or a majority of them, shall be, and they are hereby authorised and required to make application in behalf of this state, to the government of the United States, and of such states and territories as may be benefitted by the said canals or either of them, to the proprietors of lands through or near which the said canals or either of them may or may be proposed to pass, to all bodies politic and corporate, public or private, and all citizens or inhabitants of this or any other of the United States, for cessions, grants or donations of land or money, for the purpose of aiding in the construction or completing of both or either of the said canals, according to the discretion of the several grantors or donors, and to take to the people of this state, such grants and conveyances as may be proper and competent to vest a good and sufficient title in the said people to the lands so to be ceded or granted as aforesaid, and for the purposes above mentioned, it shall be the duty of the said commissioners to open books of subscription in such and so many places as they may think necessary and expedient, and under such rules and regulations as they may from time to time establish: *And further*, it shall be their duty to ascertain whether to any and to what amount, and upon what terms loans of money may or can be procured on the credit of this state, for the purposes aforesaid.

Subscription
books to be
opened.

Estimate of
the expense
to be made.

V. *And be it further enacted*, That it shall be the duty of the said commissioners to make, or cause to be made, with as much accuracy and minuteness as may be, calculations and estimates of the sum or sums of money which may or will be necessary for completing each of the said canals, according to the plan or plans which may be adopted and recommended by them, for the construction or formation of the same, and to cause the said calculations and estimates, and all surveys, maps, field books, plans, drafts and models authorised and directed by this act, or so many thereof as may be completed, together with a plain and comprehensive report of all their proceedings under and by virtue of this act, to be presented to the Legislature of this state within twenty days after the commencement of the next regular annual session thereof.

Appropriation
of not
exceeding
20,000 dls.

VI. *And be it further enacted*, That the treasurer shall, on the warrant of the comptroller, pay to the order of a majority of the said commissioners, out of any monies in the treasury not otherwise appropriated, any sum or sums not exceeding twenty thousand dollars, and for which the said commissioners shall account to the comptroller of this state.

Former acts
repealed.

VII. *And be it further enacted*, That the act entitled "an act to provide for the improvement of the internal navigation of this state," passed the 8th day of April 1811, and the act, entitled "an act further to provide for the improvement of the internal navigation of this state," passed June 19th, 1812, be and the same are hereby repealed.

LAWS

OF THE

STATE OF NEW-YORK,

PASSED THE FORTIETH SESSION OF THE LEGISLATURE,
BEGUN AND HELD AT THE CITY OF ALBANY,
THE FIFTH DAY OF NOVEMBER, 1816.

CHAP. I.

AN ACT to suppress duelling.

Passed November 5, 1816.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly,* That if any person whatsoever shall challenge another to fight a duel, with any weapon, or in any manner whatsoever, the probable issue of which may or might result in the death of the challenger or challenged, or if any person shall accept a challenge or fight a duel, with any weapon or in any way whatsoever, the probable issue of which may or might terminate in the death of the challenger or challenged, or if any person shall knowingly be the bearer of any challenge or message, sent for the purpose of requesting or inviting any other person to meet the person so sending such challenge or message or any other person, with intent to fight such duel, such person shall be deemed guilty of a public offence, and being convicted thereof, shall be incapable of holding or being elected to any post of profit, trust or emolument, civil or military, under this state.

Penalty for sending or accepting a challenge to fight a duel.

II. *And be it further enacted,* That every person who shall hereafter be elected a member of the Senate or of the Assembly of this state, and from and after the first day of July next, every person who shall be elected or appointed to any office or place, civil or military under this state, except town officers, and every person who shall be admitted a counsellor, attorney or solicitor of the court of chancery, supreme court, or any court of common pleas, or mayor's court, in this state, shall, in addition to the oath or oaths now prescribed by law, take the following oath or affirmation: "I _____, do solemnly swear or affirm, (as the case may be) that I have not been engaged in a duel by sending or accepting a challenge to fight a duel, or by fighting a duel, or in any other manner, in violation of the act, entitled "an act to suppress duelling," since the first day of July, in the year of our Lord one thousand eight hundred and sixteen, nor will I be so concerned, directly or indirectly, in any duel during the continuance of the said act, and while and inhabitant of this state;" and that if any person taking such oath shall wilfully swear falsely therein, such person shall, on conviction thereof, be

Members of the Senate and Assembly and other officers to take an oath.

Form of the oath.

liable to the like pains and penalties as those who are convicted of wilful and corrupt perjury.

Grand juries to be charged to enquire into offences committed under this act.

III. *And be it further enacted*, That it shall be the duty of the justices of the courts of oyer and terminer and general goal delivery, and general sessions of the peace, at every session, to give in charge to the grand jury of the county in which either of the said courts shall be held, to enquire of all offences committed against this act.

Duties of judges and justices of the peace.

IV. *And be it further enacted*, That whenever any judge or justice of the peace, shall have good cause to suspect that any person or persons are about to be engaged in a duel, he shall issue his warrant to bring such person or persons before him : and if he shall think it proper to take of them or either of them a recognizance to keep the peace, he shall insert in the condition, that the party or parties shall not, during the time for which he or they shall be bound, directly or indirectly be concerned in a duel, either with the person suspected, or with any other person within the time limited by the recognizance.

Persons going out of this state to fight duels with a view to elude this act, how to be proceeded against.

V *And be it further enacted*, That if any person shall, for the purpose of eluding the operations of the provisions of this law, leave the state, the person so offending, shall be deemed as guilty, and be subject to the like penalties as if the offence had been committed within this state ; and if any person shall leave this state with the intention of giving or receiving a challenge to fight a duel, or of aiding or abetting in giving or receiving such challenge, and a duel shall actually be fought, and whereby the death of any person shall happen, and the person so leaving the state shall remain thereout, so as to prevent his apprehension for the purpose of a trial, or if any person shall fight a duel in this state, or aid or abet therein, whereby any person shall be killed, and then flee into another state, it shall be the duty of the person administering the government of this state to pursue all legal means to cause such offender to be apprehended and brought to trial in the county in which the offence was committed, when the duel hath been fought within this state ; and when it shall have been fought without this, then in that county where, in the opinion of the person administering the government of this state, the evidence against the offender can be best obtained and produced upon his trial.

District attorneys to inform the governor of breaches of this act.

VI. *And be it further enacted*, That it shall be the duty of the several district attorneys within this state, to give information to the person administering the government of this state, whenever a case shall arise within their respective districts, rendering his interposition under this act necessary, and each of the said district attorneys, either at the first court of general sessions of the peace to be held in his district after the first day of July next, or at the time of his acceptance of his office, where such district attorney shall be hereafter appointed, shall take the following oath : " I do solemnly swear or affirm, (as the case may be) that I will, to the best of my ability, execute the duty imposed on me by the act to suppress duelling."

Oath to be taken by district attorneys.

Former act repealed.

VII. *And be it further enacted*, That from and after the first day of July next, the act, entitled " an act to prevent duelling," be and the same is hereby repealed.

CHAP. II.

AN ACT for the relief of the settlers on the East Cayuga Reservation, in the county of Cayuga.

Passed November 12, 1816.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for, and the comptroller of this state is hereby required, to extend the term of credit on the bonds and mortgages due to the people of this state, on that part of the lands in the East Cayuga Reservation, situate in the county of Cayuga, for the term of two years from the passage of this act: *Provided however*, that the several owners of the lands so mortgaged, shall, within one year from the passing of this act, pay into the treasury of this state, all the interest which shall then be actually due on the said mortgages respectively, and shall also satisfy the comptroller, that the extension of credit will not endanger the ultimate payment of the money secured by the mortgages on the property by them severally owned.

CHAP. III.

AN ACT for the relief of James W. Dominick.

Passed November 12, 1816.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That from and after the passage of this act, all fines, forfeitures and penalties, which may have been incurred by James W. Dominick, under the act, entitled "an act for the more effectual prevention of fires in the city of New-York," passed April 11, 1815, by reason of the erection of a building owned by him, and situate on the corner of Chatham-street and Chatham-square, in said city, be, and the same are hereby remitted, and that the said building so erected as aforesaid, shall not be deemed to be a common nuisance, nor liable to be indicted, abated or removed as such under the act above mentioned.

CHAP. IV.

AN ACT concerning Daniel Northrop.

Passed November 12, 1816.

WHEREAS Daniel Northrop, was in the month of September last, at a court of oyer and terminer, in the county of Saratoga, convicted of the murder of Cornelius Allen, and is now under sentence of death: *And whereas* the presiding judge hath reported that there is so much doubt of the sanity of the said Daniel, at the time of the commission of the crime, that he ought not to be executed; and the

judge also reporting that the insanity of the said Daniel renders it unfit that he should be confined in the state-prison, and that he has friends who are willing, at their own expense, to provide for his support in some suitable asylum: Therefore,

I. *be it enacted by the people of the State of New-York, represented in Senate and Assembly*, That the execution of the said Daniel Northrop, on the conviction aforesaid, shall be suspended until the first day of March next; and if before such time, the friends or relatives of the said Daniel shall comply with the provisions herein after contained, the said Daniel shall, thereupon, be held to be fully and absolutely pardoned for the offence aforesaid.

II. *And be it further enacted*, That if any one or more of the friends or relatives of the said Daniel, shall, prior to the said first day of March, procure a situation for him in some lunatic hospital or asylum, which the person, administering the government of this state, shall approve of, and give bond to the people of this state, in such sum and with such surety, as shall be satisfactory to the comptroller of this state, with condition forthwith to convey the said Daniel to such hospital or asylum, and to keep and maintain the said Daniel at such hospital or asylum, until he shall be therefrom discharged by permission of the executive of this state, the first or senior judge of the county of Saratoga, shall, thereupon, by warrant under his hand, order the sheriff of the said county to deliver the said Daniel to some proper person, to be named in such order, to be conveyed to such hospital or asylum; and the said bond and warrant shall be filed with the comptroller, and be deemed, to all intents and purposes, matters of record in his office.

CHAP. V.

AN ACT to amend "an act relative to the town of Winfield, in the county of Herkimer, and for other purposes."

Passed November 12, 1817.

Town meeting declared legal. I. *Be it enacted by the people of the State of New-York, represented in Senate and Assembly*, That the town meeting, held in the said town of Winfield, in the present year, shall be deemed as legal, to all intents and purposes, as though the time had been designated for holding said meeting, in and by the said act hereby amended.

Boundaries. II. *And be it further enacted*, That the line running from the southwest corner of Cockran's patent, shall extend along the line of said patent northwardly and eastwardly to the southwest corner of the town of Litchfield, and thence along the line of said town northwardly, to the place of beginning, any thing in the act hereby amended to the contrary notwithstanding.

Attorney general authorized to discharge prior incumbrances on lands mortgaged to the state. III. *And be it further enacted*, That in cases where the attorney general shall ascertain that lands, mortgaged to the state, to secure the payment of loans made, are incumbered by prior judgments or mortgages, it shall be lawful for him, with the advice and consent of the comptroller, to discharge such prior incumbrances or purchase, and take assignments to and in the name of the people of this state,

of such prior incumbrances, if it shall appear to him to be for the interest of the state to do so; and the treasurer, on the warrant of the comptroller, shall pay such sums as the attorney general may require for such purpose.

CHAP. VI.

AN ACT authorising a tax in Dutchess county to defray the expenses for repairs done to the court-house.

Passed November 12, 1816.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall be the duty of the supervisors of the county of Dutchess, to meet at the court-house in the said county, on the first Monday in December next, and then and there to examine and audit the accounts for the repairs done to the court-house, and for the alterations made in, and articles furnished for, the court-room since the first day of July last: *And further*, at such meeting, to issue their warrants to the collectors of the said county, according to the last assessment rolls, to collect from the freeholders and inhabitants of the said county, by way of tax, a sum equal to the aggregate of such accounts, together with the fees of the treasurer and collector.

II. *And be it further enacted*, That the collectors aforesaid shall, within the time limited by the act for the assessment and collection of taxes, and in the manner prescribed by such act, settle with the county treasurer for the said tax; and that it shall be the duty of the said treasurer, to pay the monies, to be received by him on such tax, to the persons and in the proportions to be named by the supervisors, as the same shall be certified to him in writing by the said supervisors.

CHAP. VII.

AN ACT relative to Hamilton village.

Passed November 12, 1812.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall be lawful for the inhabitants of the village of Hamilton, in the county of Madison, to meet on the third Tuesday in November instant, and elect their officers agreeably to the act, entitled "an act to incorporate the village of Hamilton, in the county of Madison," passed April 12, 1816, and that such election shall be as valid as if the same had been held at the time in said act mentioned; and it shall be lawful for the officers of said incorporation, to hold their respective offices, until others shall be chosen in their stead; and in case the annual meeting for the election of officers shall not be held on the days in and by said act mentioned, it shall be lawful for such inhabitants to meet on such other day as shall be determined by one of the justices

of the peace, residing in the said village: but in that case, notice shall be given in the same manner as notice for the first meeting of the said inhabitants is required by said act to be given, and not otherwise.

CHAP. VIII.

AN ACT *authorising the Commissary General to fill up the ground adjoining the state arsenal, in the city of New-York.*

Passed November 12, 1816.

Be it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the commissary general, to cause that part of the street, called Collect-street, adjoining to and running along the land of the state, on which the arsenal, in the city of New-York, now stands, to be filled up, agreeably to the regulation of the corporation

CHAP. IX.

AN ACT *to amend an act, entitled "an act for laying out and improving certain roads, in the county of St. Lawrence," passed April 15, 1816, and for other purposes.*

Passed November 12, 1816.

Taxes when
to be collect-
ed.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the collection of the taxes assessed, or to be assessed, in pursuance of the act hereby amended, be postponed until the first day of July next; and that it shall not be lawful for any collector, whose duty it may be to collect such taxes, to levy or sell therefor, until the said first day of July, and that it shall be the duty of such collector or collectors to levy, collect and pay over such taxes (in the same manner that other taxes are, by law, levied, collected and paid over) to the county treasurer, on or before the fifteenth day July aforesaid, and that the warrant annexed to the assessment rolls, to be delivered to the collectors, in pursuance of the act hereby amended, be made out in conformity to the provisions of this act.*

New-Antrim
and Waynes-
burg turn-
pike, time ex-
tended for
completing
the.

II. *And be it further enacted, That the time for commencing the operations for making the turnpike road, authorised in and by the act, entitled "an act to incorporate the New-Antrim and Waynesburg turnpike," shall be, and hereby is extended to the first day of April, in the year of our Lord, one thousand eight hundred and nineteen, any thing in the same act or the act relative to turnpike companies to the contrary in any wise notwithstanding.*

Rockland
turnpike,
time extend-
ed for com-
pleting the.

III. *And be it further enacted, That the time heretofore limited and appointed by the act, entitled "an act to amend the act, entitled "an act to amend the act, entitled "an act to establish a turnpike company, in the counties of Orange and Rockland," passed March 27, in the year 1809, for completing the road, authorised to be made*

by the said corporation, shall be, and hereby is extended to the first day of July, in the year of our Lord one thousand eight hundred and nineteen, any thing in the said act or acts hereby amended, or the act relative to turnpike companies, to the contrary notwithstanding.

CHAP. X.

AN ACT for the relief of the Second Baptist Society, in the town of Norwich.

Passed November 12, 1816.

WHEREAS, by a mutual understanding between the parties, the owner of two acres of land on the east side of the turnpike road, running through the town of Norwich, in the county of Chenango, opposite the ground on which the court-house stands, agreed to add to the court-house common the said two acres, allowing to the Second Baptist Society, in the town of Norwich, the privilege of erecting their meeting house thereon: *And whereas*, pursuant to the said understanding, said meeting-house was erected, but by omission in the conveyance of the title to the county of Chenango, no provision was made, securing to said society said privilege: Therefore,

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall be lawful for the supervisors of the county of Chenango, or a majority of them, at any meeting of their board, to lease to the said Second Baptist Society, of the town of Norwich, for such term of time, and on such conditions, as they shall think proper, so much of the land belonging to said county, on the east side of the public square, in the village of Norwich, as will embrace the ground on which the meeting-house of said society now stands, and sufficient space adjacent, in which to dig a well for the use of the same.

CHAP. XI.

AN ACT for the relief of the Stockholders of the Stephentown Turnpike Road.

Passed November 12, 1816.

WHEREAS an act, to establish a turnpike corporation for improving the road, in the town of Stephentown, in the county of Rensselaer, was passed the third day of April, 1801, and the said road laid out and completed agreeable to the provisions of the said act, and a licence obtained from the governor to erect a gate on said road: *And whereas*, in consequence of the legislature incorporating a company to erect a toll bridge across the Kinderhook creek, about one mile south of the west end of the said road, and also incorporating a company to improve the road from the village of Bath to Massachusetts line, with a branch to Stephentown, which said roads, running nearly parallel with the said Stephentown turnpike road, have so reduced the travel on said road, as that the toll will

by no means keep the same in repair; the stockholders are therefore desirous to relinquish the whole stock in the said road, and be exonerated from the same. Therefore,

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That the said corporation be, and the same is hereby dissolved, and the said turnpike shall be and remain a public highway; and the commissioners of highways of the town of Stephentown, are hereby authorised and required to divide the said turnpike road into road districts, and to assess the inhabitants, living thereon, to work the same, agreeable to the act to regulate highways.

II. *And be it further enacted*, That Abijah Bush, Jairood Root and Charles Mason shall be, and hereby are appointed trustees, to sell and convey the toll house and lot of ground belonging to the said turnpike company, and to divide the proceeds thereof, among all the stockholders, agreeable to the number of shares held by them respectively: *Provided however*, and this act is upon this condition, that the president and directors of said company, shall, within six months, file their assent to the provisions of this act, under the seal of the said corporation, in the clerk's office in the county of Rensselaer.

CHAP. XII.

AN ACT to incorporate the Schenectady Lancaster School Society.

Passed November 12, 1816.

Preamble.

WHEREAS Maus Schermerhorn and others, have associated for the purpose of establishing a Lancaster school, in the compact parts of the first or second ward of the city of Schenectady, in order to render the benefits, resulting from the school fund, more extensively useful and beneficial to the inhabitants of said wards: *And whereas* a great number of said inhabitants have presented a petition to the legislature, setting forth the benefits that would result from such an institution, and praying an act of incorporation for that purpose: Therefore,

M. Schermerhorn and others incorporated.

Style and powers of the society.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That Maus Schermerhorn and all such other persons as now are, or shall hereafter be associated for the aforesaid purpose, shall be, and are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, by the name of "The Schenectady Lancaster School Society," and by that name, they and their successors, for ever hereafter, shall and may have continual succession; and by that name, shall and may be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors may have a common seal, and may change and alter the same at their pleasure and that they and their successors, by their said name, shall be forever capable in law, to purchase, take, re-

ceive, hold and enjoy any estate, real or personal whatsoever, of what nature or quality soever, to the use of them and their successors: *Provided always*, that the yearly income of the real and personal estate and hereditaments, held by the said corporation, do not, nor shall at any time, exceed the sum of five thousand dollars; and that they and their successors shall have full power and authority to lease such real estate and hereditaments on such terms as they shall judge most beneficial, and also dispose of such personal estate at their will and pleasure, as shall appear to them most advantageous for promoting the benevolent purposes of said institution.

II. *And be it further enacted*, That all money raised, or to be hereafter raised, in that part of the first and second wards of the city of Schenectady called the police, under the act relative to common schools, together with their proportion of the school fund from the state, and the money in the hands of the commissioners of schools belonging to the freeholders and inhabitants, within the bounds of the police, shall be paid to the trustees of the said corporation; and the money raised in the remaining parts of the said first and second wards, together with their proportion of the common school money, be paid to the trustees, to be elected in the district which shall be composed of the said remaining part of the first and second wards, under the act relative to common schools, which territory is hereby made a school district for that purpose, unless the freeholders and inhabitants thereof shall elect to be annexed to a district or districts, in the town of Neskayuna, when it shall be lawful for them so to do.

Money raised in the police, how to be appropriated.

III. *And be it further enacted*, That there shall be, forever, hereafter, thirteen trustees of the said corporation, who shall conduct and manage the affairs thereof; and that the first trustees of the said corporation, shall be Maus Schermerhorn, Henry Yates, jun. Cyrus Stebbins, Jacob Van Veghten, Hooper Cumming, Isaac Riggs, Elisha Taylor, Eliphalet Nott, James Bailey, David Boyd, Abraham S. Groat, Charles Kane and James C. Duane, who shall hold their offices until the second Saturday of March, in the year eighteen hundred and eighteen; and the trustees of the said corporation, for the time being, shall have power to establish one or more schools in the first or second wards of said city, for the purpose aforesaid, whenever they shall deem it expedient.

First trustees.

IV. *And be it further enacted*, That on the second Saturday of March, in every year hereafter, it shall be lawful for the inhabitants of the said first and second wards, residing within the police of said city, entitled to vote for charter offices in said city, to meet at the court house or city hall, of said city, and then and there, by a majority of such of them as shall so meet, shall, by ballot, elect thirteen citizens to be trustees of the said corporation, for the year next ensuing; and the trustees shall have power to choose out of their number, a president, a treasurer and secretary, who shall immediately enter on the duties of their offices, and hold the same from the time of such election for one year, and until others shall be elected in their stead; and in case of the resignation, death, or refusal to serve, of any of the trustees, it shall be in the power of

Trustees how to be elected.

the remaining trustees, to elect others in their stead, for the remainder of the term they were to serve.

Account of
to the school
be annual-
ly published.

V. *And be it further enacted*, That it shall be the duty of the said trustees of the said corporation, annually, to publish a particular account of the school, under their care, and of the money expended and received by them, during the preceding year, so as to exhibit a full and true account of the property of said corporation, and that they shall appoint a committee from their body, consisting of at least two members, whose duty it shall be to visit said school, at least once a month, and to report to them, in writing, the state of said school at their next meeting.

This is a pub-
lic act.

VI. *And be it further enacted*, That this act shall be, and hereby is declared a public act, and shall be construed benignly and favorably, for every beneficial purpose thereby intended, nor shall any non-user of the privileges hereby granted to the said corporation, create or produce any forfeiture of the same, and no misnomer of said corporation, in any deed, will, testament, gift, grant, demise, or other instrument of contract or conveyance, shall defeat or vitiate the same: *Provided* the corporation be sufficiently described to ascertain the intention of the parties: *Provided always*, that the said corporation shall, under no pretence, exercise any banking operations.

Proviso.

CHAP. XIII.

AN ACT to amend the act, entitled "*an act to regulate sales by public auction, and to prevent stock-jobbing.*"

Passed November 12, 1816.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That goods damaged at sea, and sold for the benefit of the owners or insurers, within twenty days after the landing thereof, under the inspection of the officers mentioned in the eighth section of the act hereby amended, shall, from and after the first day of December next, be subject to the like duties to this state, as if not damaged, any thing in said act to the contrary notwithstanding; and if an auctioneer shall not be employed in the sale of such goods, the officers, under whose inspection they shall be sold, shall make the like returns of sales and payment of the duties, as auctioneers are directed to make, by the laws of this state, in respect to goods not damaged.

CHAP. XIV.

AN ACT concerning Banks.

Passed November 12, 1816.

BE it enacted and declared by the people of the State of New-York, represented in Senate and Assembly, That no banking company shall issue, or cause to be issued, any bills or notes, other than for the

payment of money ; and that the sums which may be expressed in any bills or notes, which any bank shall issue, or cause to be issued, which are according to the terms thereof receivable only in payment of debts due to the bank, shall be recoverable by the bearer of such bills or notes, in like manner as if the same contained an express promise for the payment of money.

CHAP. XV.

AN ACT to amend an act, entitled "*an act concerning the state-prison.*"

Passed November 12, 1816.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly,* That the inspectors of the state-prison be, and they are hereby authorised and empowered, in conjunction and by arrangements with the corporation of the city of New-York, from time to time, to cause to be employed, as many of the convicts, who are capable of hard labor, as the said inspectors and the said corporation shall agree upon for that purpose, upon any of the public avenues, roads, streets, or other works in the said city, undertaken by the said corporation; and the said inspectors are hereby further authorised and empowered, to cause to be employed, as many of the said convicts, who are capable of hard labor, as they shall see fit, on any other public works, in the counties of Richmond and Kings, and when so employed, the said convicts shall be subject to such regulations, as the said inspectors, from time to time, shall prescribe.

II. *And be it further enacted,* That in case any infectious disease should break out among any of the convicts, in the state-prison aforesaid, the said inspectors are hereby authorised and empowered, forthwith, to cause such convicts, so infected, to be removed out of the said prison, during their illness, to some suitable place of security, where they may receive all necessary care and medical assistance; and after their recovery, such convicts shall be returned to the state-prison, to be confined therein, according to their respective sentences, if the same be unexpired.

CHAP. XVI.

AN ACT for extending the provisions of certain acts to the northern frontier of this state, and for other purposes.

Passed November 12, 1816.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly,* That the provisions of the act, passed March 18, 1808, entitled "*an act supplementary to an act, entitled 'an act to cede the jurisdiction of certain lands, in this state, to the United States, passed March 20, 1807,' and of the act, entitled 'an act concerning the execution of writs ad quod damnum,'*"

passed April 13, 1813, be, and they are hereby extended to the island in Lake Champlain, opposite to Rouse's Point, and lots number sixty-one, sixty-two, sixty-three, sixty-four, sixty-five and sixty-six, in the Refugee Tract.

II. *And be it further enacted*, That the sum of sixteen thousand dollars be, and the same is hereby appropriated to defray the expense of erecting the lower bastion of the main work of the fortifications, erecting under the authority of this state, in the harbor of New-York.

CHAP. XVII.

AN ACT for the relief of Thomas Sammons.

Passed November 12, 1816.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the commissioners of the land office to extinguish, upon such terms as they shall deem reasonable, the claim of Thomas Sammons, his heirs or assigns, against the people of this state, for so much of lot number nine in the western allotment of Kingsborough, to which he has derived a title, under a sale and conveyance, by the commissioners of forfeitures, for the western district, to James Caldwell, as is covered by a paramount title; and to grant to the said Thomas Sammons, his heirs and assigns, all the right, title and interest of the said people, in and to the ground under the water of the East Canada Creek, together with the use of the waters of the said creek, from the point where the said creek intersects the southerly line of lot number sixty-one in the same allotment, to the westerly corner of said lot number nine: *Provided always*, that such grant shall not operate to create a warrantee on the part of this state.

CHAP. XVIII.

AN ACT to authorise Joseph Dottin Husbands to hold real estate within this state.

Passed January 27, 1817.

J. D. Husbands authorized to hold real estate.

Be it enacted by the people of the State of New-York, represented in Senate and Assembly, That Joseph Dottin Husbands, of the town of Hartwick, in the county of Otsego, shall be, and hereby is enabled to take real property in this state, either by purchase or descent, and to hold and dispose of the same, in like manner as a natural born citizen; that no lands, tenements or hereditaments, heretofore purchased by the said Joseph Dottin Husbands, shall escheat to the people of this state, by reason of, or on account of the alienage of the said Joseph, but all such lands, tenements and hereditaments, shall vest in him, in the same manner as if he had been naturalized at the time of such purchase.

CHAP. XIX.

AN ACT to divide the town of Parma, in the county of Genesee.

Passed January 27, 1817.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That from and after the first Monday of April next, all that part of the town of Parma, lying south of the center of the ridge road through said town, shall be erected into a separate town, by the name of Ogden; and that the first town-meeting shall be held at the now dwelling-house of George Huntley, in said town.

The town of Parma divided, and the new town called Ogden.

Place of holding town-meeting.

II. *And be it further enacted*, That all the remaining part of the said town of Parma, shall be and remain a separate town by the name of Parma, and that the first town-meeting shall be held at the place designated by the town clerk of said town.

The residue of said town to be called Parma.

III. *And be it further enacted*, That as soon as may be, after the first Tuesday of April next, the supervisors and overseers of the poor of the aforesaid towns, shall, by notice to be given for that purpose by the supervisors thereof, meet together and apportion the poor maintained by said town of Parma, and the poor money belonging to the same, previous to the division thereof, agreeable to the last tax list, and that each town shall, forever thereafter, support its own poor.

The supervisors and overseers to apportion the poor of the towns.

CHAP. XX.

AN ACT granting an additional term of the courts of common pleas and general sessions of the peace, in and for the county of Genesee.

Passed January 27, 1817.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That hereafter there shall be an additional term of the courts of common pleas and general sessions of the peace, held in and for the county of Genesee, on the first Tuesday of September, in each and every year; and that the said term of said courts may continue to be held from the time of its commencement until the Saturday next following, inclusive.

CHAP. XXI.

AN ACT relating to the sixth section of the act, entitled "an act for the recovery of debts to the value of twenty-five dollars," and to the ninety-third section of the act, entitled "an act to reduce several laws relating particularly to the city of New-York, into one act."

Passed January 27, 1817.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That no defendant shall be precluded from having any action against the plaintiff, to recover his debt or demand or any part thereof, provided the same shall exceed twenty-five dollars, over and above all just set-off the plaintiff may have against the defendant, exclusive of the judgment which the plaintiff may have obtained against the defendant, notwithstanding such defendant may have neglected to set off the same against the plaintiff before the justice of the peace, or the assistant justice in the city of New-York, according to the provisions of the several sections of the acts hereby amended.

CHAP. XXII,

AN ACT to amend the act, entitled "an act to incorporate the Richmond Turnpike Company," passed March 31, 1815.

Passed January 31, 1817.

I. BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall not be necessary for, or required of the company, incorporated by the act, entitled "an act to incorporate the Richmond Turnpike Company," passed the thirty-first of March, one thousand eight hundred and fifteen, to make a branch to Amboy ferry, from the road already completed by them, leading from the bay of New-York to the new blazing star ferry; and they are hereby released from the same, without prejudice to any of the other rights and privileges of the said turnpike corporation.

II. And be it further enacted, That the stock of the ferry from the city of New-York, to, or near the east end of the Richmond turnpike, and the stock of the ferry, from the west end of said road, across Staten-island sound, to the new blazing star, in the state of New-Jersey, may, with the consent of the stockholders of said ferries and the president and directors of said turnpike road, be consolidated; and the said road and ferries be thenceforth managed as one concern, by the president and directors of said Richmond turnpike company, to be chosen at the first election after such consolidation, by the stockholders of said ferries and road, jointly, each stockholder of the ferries having the same number of votes on the shares, held by him in the ferries, as by the act, incorporating said turnpike company, are given to stockholders of the said turnpike company, holding the same number of shares; and that the stock of the said turn-

pike company, in case of such consolidation, as aforesaid, shall, from and after such consolidation, be increased the amount of shares of stock held in said ferries, not exceeding five thousand additional shares, of twenty-five dollars each, and the said increased shares shall thenceforth have all the properties, and be liable to all the regulations, prescribed by law, with respect to the turnpike shares mentioned in said act: and that the said company may hold such real estate as may be necessary and required to carry into effect the objects of said road and ferries, but for no other object, purpose or intent whatever.

VIII. *And be it further enacted*, That an alteration of the old road, near the house of James Bodine, in Castleton, in Richmond county, heretofore confirmed by the commissioners of highways, be and the same is hereby ratified and confirmed.

CHAP. XXIII.

AN ACT relative to the courts of common pleas and general sessions of the peace in the counties of Rensselaer and Otsego.

Passed January 31, 1817.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That the act, entitled "an act to alter the terms of the courts of common pleas and general sessions of the peace in the county of Rensselaer," passed March 24, 1815, be and the same is hereby repealed, and that the terms of the said courts be and remain as by law established, prior to the passing of the act hereby repealed: *Provided*, the September term of said common pleas, be hereafter held on the last Monday, instead of the last Tuesday, of September, in every year.

II. *And be it further enacted*, That the general sessions of the peace, appointed to be holden in and for the county of Otsego, on the last Tuesday in August, shall, instead thereof, be holden on the first Tuesday in December.

CHAP. XXIV.

AN ACT to erect a part of the town of Le Roy, and of the town of Perry, into a separate town.

Passed January 31, 1817.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That such parts of the towns of Le Roy and Perry, as are contained in the following bounds, to wit: that part of the town of Le Roy lying south of a line between the tenth and eleventh ranges of the Craiger tract, and lots three and four, on the forty thousand acre tract, continuing east until it intersects the east line of said town; and that part of the town of Perry, lying north of a line between lots eight and nine, and sixteen and seventeen, on the Ogden tract, continuing east until it intersects the

Covington erected.

east line of said town, be and the same is hereby erected into a new town by the name of Covington, and the first town meeting to be held at the house of Jacob Gray, in the said town; and that all the remaining parts of said towns of Le Roy and Perry shall be and remain separate towns by the names of Le Roy and Perry.

Poor & poor
money to be
divided.

II. *And be it further enacted*, That as soon as may be after the first town meeting, the supervisors and overseers of the poor of said towns respectively, on notice being given for that purpose, by the supervisors of the towns of Le Roy and Perry, and Covington aforesaid, shall meet together and divide the money and poor belonging to the said towns of Le Roy and Perry previous to the division thereof, agreeable to the last tax list, and that each of the said towns shall forever thereafter respectively maintain and support their own poor.

CHAP. XXV.

AN ACT relative to cisterns in the streets of the city of New-York.

Passed January 31, 1817.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That whenever in the opinion of the mayor, aldermen and commonalty of the city of New-York, in common council convened, it shall be expedient to make a public cistern in any of the public streets, roads, or places in the said city, it shall be lawful for the said common council to order the same to be done accordingly, in such manner and at such places as they shall think most advisable, and the expense thereof shall be estimated and assessed among all the owners or occupants of the houses and lots of ground intended to be benefitted thereby, in the manner directed in and by the one hundred and seventy-fifth section of the act, entitled "an act to reduce several laws relating particularly to the city of New-York into one act," passed April 9th, 1813, and shall be binding and conclusive, in the manner therein prescribed, and shall be collected in the manner therein directed, or in the manner directed in the two hundred and fifty ninth section of the said act.

CHAP. XXVI.

AN ACT for the relief of Garret I. Cozine and Sir James Hall.

Passed February 7, 1817.

WHEREAS it appears to the legislature, that Sir James Hall, of Dunglass, in Scotland, being a British subject and an alien, in pursuance of the act of the legislature of this state, entitled "an act to enable aliens to purchase and hold real estates within this state, under certain restrictions therein mentioned," passed 2d April, 1798, purchased of Henrietta Marie Colden, a farm at new Lots, in Kings

For the re-
lief of Sir
James Hall.

county, in this state, and thereupon took a deed of conveyance to himself, of the said farm, from the said Henrietta Maria Colden, bearing date the 15th day of November, 1798; that by the said act it is required that every deed of conveyance, executed in pursuance thereof, shall be recorded in the secretary's office, within twelve months from the date thereof; that by another act of the legislature of this state, entitled "an act to enable aliens to purchase and hold real estates within this state, under certain restrictions therein mentioned," passed 26th March, 1802, it is declared that every deed of conveyance, executed in pursuance of the act first above mentioned, and not recorded agreeable to the directions of the same, shall and may be recorded within twelve months after the passing of the act of the 26th March, 1802; that the said deed was not recorded agreeably to the directions of the act of the 2d April, 1798, but the same was recorded in the secretary's office on the 21st March, 1803, which is a few days over and above twelve lunar months, after the passing of the act of the 26th March, 1802; that doubts are entertained by the parties interested therein, that such recording of the said deed is not agreeable to the directions of the act of the 26th March, 1802, inasmuch as they fear the twelve months in that act mentioned, may, in judgment of law, be regarded as lunar months: that Garret I. Cozine, of Kings county aforesaid, and a citizen of this state, is desirous of purchasing the said farm, and the said Sir James Hall is willing to sell the same; that Robert Troup, of the city of New-York, Esquire, is the lawful agent of the said Sir James Hall, and as such, the said Robert Troup has agreed to sell the said farm to the said Garret I. Cozine, upon terms acceptable to both parties, but the agreement of sale cannot safely be carried into effect, by reason of the said irregular recording of the deed above mentioned; and that the said Garret I. Cozine, for himself and the said Robert Troup, in behalf of the said Sir James Hall, have petitioned the legislature for relief in the premises—Therefore,

Be it enacted by the people of the state of New-York, represented in senate and assembly, That the recording in the secretary's office, on the 21st March, 1803, of the above mentioned deed of conveyance, from the said Henrietta Maria Colden, to the said Sir James Hall, for the farm above mentioned, shall be and is hereby declared to be as legal and valid, and shall have the like operation and effect, to all intents, constructions and purposes whatsoever, both in law and equity, as if the same had been recorded in the said office within twelve lunar months, after the passing of the said act of the 26th March, 1802.

*Declaring
the deed of
conveyance
to be valid
from H. M.
Colden to Sir
James Hall,*

CHAP. XXVII.

AN ACT *authorising Joseph Klein to build a toll bridge across Kaaterskill.*

Passed February 7, 1817.

WHEREAS Joseph Klein, by his petition presented to the legislature, hath prayed for leave to build a toll bridge over Kaaters-

kill, in the town of Catskill, and county of Greene, at his mills near the place where the old bridge stands; and it appearing that such bridge, when erected, will be of public utility—Therefore,

Joseph Klein
authorised to
build a bridge
over the
Kaaterskill
creek.

I. *Be it enacted by the people of the State of New-York, represented in Senate and Assembly,* That it shall be lawful for the said Joseph Klein to build a bridge over said Kaaterskill creek, at or near his mills, and within twenty rods of the place where the old bridge now stands.

Width of said
bridge.

II. *And be it further enacted,* That said bridge shall be not less than eighteen feet wide, built in a substantial and workmanlike manner, and shall, before the expiration of two years from and after the passing of this act, be so far complete as with safety to admit the passing of carriages of every kind.

A gate to be
erected.

III. *And be it further enacted,* That as soon as said bridge shall be so far completed, as safely to admit passing as aforesaid, it shall and may be lawful for the said Joseph Klein, to erect a gate at one end of said bridge, to effect the collection of toll, at the following rates, to wit; for every four-wheeled pleasure carriage, drawn by four horses, twenty cents; if drawn by two, twelve and an half cents; every curricule, chaise, chair, or sulkey, drawn by one horse, twelve and an half cents, if drawn by two horses, fifteen cents, and three cents for every additional horse; for every sleigh or sled, drawn by two horses, six and one quarter cents, and three cents for every additional horse; for each ox waggon, cart or sled, drawn by two oxen, six cents, and three cents for every additional yoke of oxen; for every waggon, drawn by two horses, oxen, mules or asses, six cents, and three cents for every additional horse, ox, mule or ass; for every one horse waggon, cart, sleigh or sled, four cents; for every horse and rider, three cents; for every foot passenger, one cent; for every horse, mule or ass, two cents; for every score of oxen or other neat cattle, twenty cents; for every score of hogs or sheep, ten cents; and so in proportion for a greater or less number; and it shall be lawful for the toll gatherer at said gate, to stop any foot passenger, and every person driving or leading or riding any beast, or carriage, from going through said gate, until they shall have respectively paid the toll herein allowed to be collected: *Provided nevertheless,* That any troops in the service of this state, or of the United States, and all artillery, all waggons and other carriages, and stores, belonging to this state, or the United States, shall pass the said bridge without paying toll: *And provided further,* That nothing in this act shall be construed so as to entitle the said Joseph Klein, to demand or receive toll of or from any person passing to or from public worship, or any person necessarily going or returning from any general or other training.

Exemption
of U. States
troops, &c.
from toll.

Also public
worship and
general train-
ings.

No bridge to
be erected
within a mile,
except a free
bridge is e-
rected within
12 months.

IV. *And be it further enacted,* That it shall not be lawful for any person whatever, to erect, or cause to be erected, any bridge between one mile below the confluence of said creek with the Catskill, and one mile above said bridge: *Provided,* and it is hereby only excepted, that a free bridge may be erected at the aforesaid place, if completed within twelve months from and after the passing of this act.

V. *And be it further enacted,* That in case a toll bridge shall be erected as aforesaid, the town of Catskill, or any person or persons

whatever, at any time thereafter, by paying to the proprietor or owners of said bridge, the value thereof; and in case of any disagreement in ascertaining the same, it shall be the duty of (on application to) any three of the judges of the court of common pleas, in and for the said county, to appoint three disinterested freeholders, residing out of said town, who shall within ten days after receiving notice of their appointment, appraise the value of said bridge, to the best of their judgments, (an oath having been first administered to that effect by a proper and legal officer) and on the payment of the appraisers and the sum appraised, said bridge shall ever thereafter be a free bridge.

Authorized to purchase from the owners, on application to the county judges.

Appraisal to be made under oath.

And on such purchase bridge shall be free.

VI. *And be it further enacted*, That in case the said bridge shall not, in the course of two years from and after the passing of this act, be so far completed as to admit with safety the passage of all such teams and carriages, as have usually passed on the roads leading thereto, he, the said Joseph Klein, shall not, by tolls or any other way, be entitled to any reimbursement of the expence he may have been at in the building of the said bridge, unless it shall appear that in the progress of the said work, and before it shall be completed, such accidents shall have happened by floods or otherwise, as to render a further time necessary for completing the same: *And further*, if at any time after the passing of this act, the said bridge shall become so far decayed as to render the passing thereof unsafe, of which fact any three judges of the court of common pleas, for the county of Green, shall determine; or if said bridge shall be carried away by floods, or by any other accident, then, and in such case, the said Joseph Klein, his heirs, executors, administrators or assigns, may repair or rebuild, as the case may be, the said bridge within twelve months next after the day when the same shall be adjudged unsafe, or destroyed, by any accident as aforesaid; and in case the said bridge shall not, within the said number of months, be repaired or rebuilt, as the case may require, then such part or parts of said bridge as shall be remaining, shall be considered as the property of the people of this state; and after such default of repairing or rebuilding said bridge, neither the said proprietor of said bridge, nor any person or persons claiming under him, shall have any claim or demand for the remaining part or parts of said bridge, nor shall they ever afterwards be permitted to obstruct with gates, or in any other way, the passing over such bridge as may be there built, or to attempt, directly or indirectly, the collection of any toll for passing the said bridge.

Not to take toll unless bridge is completed within two years from passage of the act.

Unless by accident rendered impossible to complete it. Authorized to rebuild or repair in certain events. If not rebuilt or repaired in 12 months to become public property.

CHAP. XXVIII.

AN ACT concerning suits against corporations.

Passed February 7, 1817.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That all writs and process at law, hereafter to be issued against any body or bodies corporate, may be tested on any day in term, and may be made returnable at any day in the same, or the next succeeding term, notwithstanding fifteen

All writs or process to be tested or returnable on any day in term.

Notwithstanding 15 days may not intervene between the teste and return of such writ or process.

To be served on president, cashier, &c.

II. *And be it further enacted*, That any writ or process to be issued against any body corporate, in the commencement of any action, may be served on the president, presiding officer, cashier, secretary or treasurer thereof, or on such other person, or in such manner as the court may direct, and that the same be served on the return day of such writ or process, or at any time previous thereto.

Appearance to be entered of course. And proceedings as in case of personal actions against natural persons.

III. *And be it further enacted*, That when any writ or process against a body corporate, in the commencement of a suit, shall be returned duly served, the plaintiff may enter an appearance for the defendant of course; and that the plaintiff in any suit against a body corporate, in which an appearance shall be entered as aforesaid, or to which the defendant shall appear, may, after such appearance, proceed in like manner as in cases of personal actions against natural persons, or in such other manner as the court by general rule shall direct.

Plaintiff to declare on cause of action as previous to the commencement of the suit, altho' it arose after the teste of the writ.

IV. *And be it further enacted and declared*, That in any action commenced against a body corporate, the plaintiff may declare on a cause of action, which arose previous to the commencement of the action, although the same arose after the teste of the writ first issued therein.

CHAP. XXIX.

AN ACT to alter the time of holding town meetings in the town of Bethlehem, in the county of Albany.

Passed February 7, 1817.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the town meetings hereafter to be holden in the town of Bethlehem, shall be held on the first Tuesday in March annually, and that all such town officers whose duty it was to meet on the last Tuesday in March, shall meet on the last Tuesday in February, to do and transact such business as to their respective offices may appertain.

CHAP. XXX.

AN ACT for the relief of the town of Hadley.

Passed February 7, 1817.

WHEREAS, by the petition of Benjamin Cowles, supervisor of the town of Hadley, in the county of Saratoga, it appears that the collection of the taxes levied on the said town in the year past has not been effected, in consequence of the collector having neglected to give in the bail required by law: Therefore,

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the time for the collection of the taxes levied on the town of Hadley, in the county of Saratoga, in

the year one thousand eight hundred and sixteen, be extended to the first day of July next.

CHAP. XXXI.

AN ACT for the relief of Benjamin Sherman and Abiel Sherman, administrators of Shadrach Sherman deceased.

Passed February 7, 1817.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That Benjamin Sherman and Abiel Sherman, administrators of the goods, chattels and effects of Shadrach Sherman deceased, may file in the office of the surrogate of the county of Dutchess, the inventory taken by them on or about the ninth day of April, in the year of our Lord one thousand eight hundred and thirteen, in the presence of James Grant and James Ketcham as appraisers, notwithstanding the said James Grant and James Ketcham were not sworn at the time, according to the second section of the act concerning executors and administrators, and the distribution of intestates' estates; and that such inventory, when filed, shall be considered valid and effectual, to every intent and purpose whatsoever.

CHAP. XXXII.

AN ACT to amend the act, entitled "*an act concerning idiots, lunatics and infant trustees.*"

Passed February 7, 1817.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall be lawful for any person or persons, being idiot, lunatic or non-compos mentis, seized or possessed of any lands, tenements or hereditaments, by way of mortgage, or in any manner, in trust for others, or for the committee or committees of such idiot, lunatic or person or persons non-compos mentis, in his, her or their name or names, to convey the same, by the direction or decree of the court of chancery, signified by an order made on hearing all parties, and on the petition or bill filed in the said court by any person or persons any way interested therein; and such committee or committees of such idiot, lunatic or person non-compos mentis, may be compelled by such order or decree, to convey and assure any such lands, tenements or hereditaments to any other person or persons, in such manner as the said court shall direct; and such conveyance or assurance, so to be had and made as aforesaid, shall be as good and effectual in the law, to all intents and purposes, as if the same person or persons being idiot, lunatic or non-compos mentis was or were, at the time of making such conveyance or assurance, of sane mind, memory and understanding, or had by him, her or themselves executed the same.

CHAP. XXXIII.

AN ACT *for the appointment of a treasurer of this state.*

Passed February 12, 1817.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That Gerrit L. Dox, be and hereby is constituted and appointed treasurer of this state, to continue in office until the twelfth day of February, in the year of our Lord one thousand eight hundred and eighteen.

CHAP. XXXIV.

AN ACT *for the relief of the St. Regis, Oneida, Onondaga and Seneca Indians.*

Passed February 12, 1817.

WHEREAS the governor of this state has represented to the legislature thereof, that the St. Regis, Oneida, Onondaga and Seneca Indians are in great distress on account of the destruction of their corn the last season, and of the general scarcity of other usual means of support: *And whereas also, the said tribes of Indians respectively receive from the people of this state, a yearly annuity: Therefore,*

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the treasurer shall pay, on the warrant of the comptroller, to the person administering the government of this state, for the time being, when thereunto required by him, by way of advance, so much of the said annuities which is payable in the month of August next, as the person administering the government as aforesaid, shall from time to time think proper to be expended in providing the necessaries of life for such of the said tribes of Indians as shall request the same by their chiefs or agents thereunto lawfully authorised.

CHAP. XXXV.

AN ACT *granting to Conradt Teeter and Oliver Phelps, for a certain term, the exclusive right of running stages between Newburgh and Geneva, and between Ithaca and Auburn.*

Passed February 14, 1816.

Act to vest in Conradt Teeter and others the exclusive right of running stages for 6 yrs.

I. BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That Conradt Teeter and Oliver Phelps, and their respective executors, administrators and assigns, shall have, possess and enjoy, for the term of six years from the passing of this act, the sole and exclusive right of erecting, running and driving, during the term aforesaid, a line of stages, for carrying and transporting passengers for hire or pay between Newburgh

and Monticello, on the road leading through Montgomery and Bloomingburgh, and between Monticello and Chenango point, on the mail route, as far as the same lies within this state, and as the same now is, or hereafter may be, and between Chenango point and Geneva, on the road running through Owego, Ithaca, Trumansburgh and Ovid, and between Ithaca and Auburn, on the main mail route, through Ludlowville; and that it shall not be lawful for any other person or persons, during the term aforesaid, to erect, establish or run a stage or stages on any of said routes, or any part or parts thereof, under the penalty of five hundred dollars for each and every offence, to be recovered by any person or persons who shall prosecute for the same, together with costs, in any court of record having cognizance of the same, by action of debt.

All others prohibited under a penalty.

II. *And be it further enacted*, That the said Cosradt Teeter and Oliver Phelps, their respective executors, administrators and assigns; shall furnish and provide a sufficient number of horses, safe and convenient covered carriages, and careful and experienced drivers on said route, during said term, and that they shall perform the whole of said route in three days, twice in each week, and oftener if the public good shall so require; and that they shall furnish extra stages, whenever it shall be necessary for the accommodation of passengers; and that the fare to be paid by each passenger shall not exceed seven cents per mile, with the liberty to such passenger of taking with him in such carriage, twenty pounds weight of baggage; and that for every one hundred and fifty pounds of baggage over and above the said twenty pounds, eight cents per mile may be demanded and taken by them: *Provided, notwithstanding*, that nothing herein contained shall be deemed or construed to prevent any future legislature, at any time within the period aforesaid, to repeal, or in any manner modify and amend this act.

To furnish stages, drivers, &c.

Times of running stages.

Amount of fare.

provided that the legislature have the power of repealing this law at any time.

CHAP. XXXVI.

AN ACT to enclose a certain tract of wood land, called Tallman's mountain, in Rockland county.

Passed February 14, 1817.

1. *BE it enacted by the People of the state of New-York, represented in Senate and Assembly*, That from and after the passing of this act, it shall and may be lawful for the owners and possessors of all that tract of wood land and mountain, situate in the township of Clarkstown, in Rockland county, generally called Tallman's mountain, to enclose the same, by making such fence as the persons appointed managers hereinafter mentioned may think proper, to enclose all the land now laying in common, and also any enclosed lots in and adjoining the said mountain, which the owners thereof may desire to have included within the said enclosure, from the deep hollow between said mountain and Caspersbery road, near the dwelling house of Dewah I. Tallman, from thence including said mountain, and land easterly, and southerly, so far as to include the lot of wood land lately purchased from Abraham Lydacker, by

Owners and occupants to enclose the wood land on Tallman's mountain.

After such enclosure, all others prohib

ited from driving cattle therein to run at large.

Tunis Smith and Peter Smith; and that, from and after enclosing the same as aforesaid, no person whomsoever shall be at liberty to drive or let in, any horses, cattle, sheep or swine, with an intent to run at large in the said tract of mountain land, unless, on his or their own land, and that enclosed by a good and lawful fence, to be made and kept at his, her or their expense.

No be subject to an action of trespass. And pay treble damages.

II. *And be it further enacted*, That if any person or persons whomsoever, shall drive or let in any horses, cattle, sheep or swine, within the said tract, after it shall have been enclosed as aforesaid, (except as mentioned in the first section) with an intent to run at large therein, such person or persons shall be subject to an action of trespass, to be brought in the name of any owner or owners in said tract, and be liable to pay treble damages, to be assessed by a jury, in any court having cognizance of the cause, and shall also be liable to pay all costs of suit incurred in the prosecution thereof.

The cattle to be sent to the pound.

III. *And be it further enacted*, That if any horses, cattle, sheep or swine, shall be found running at large on any part of the tract enclosed as aforesaid, (except as aforesaid) it shall and may be lawful for any owner or possessor, in any part of said tract, to take and drive the same to the nearest pound, in the town of Clarkstown, and shall, as soon as may be, make an affidavit, stating that the same were taken running at large in said tract, with a description of the same, which affidavit shall be delivered to the pound keeper, where the same are impounded, and the person impounding the same shall be entitled to receive for every head so taken and impounded, the sum of twenty-five cents, to be collected by the pound master, from the owner, or from the sale of such beasts so impounded; and the pound master is directed to receive such beasts, and to proceed in the same manner, after the receipt of the same, as is directed in the twenty-first section of the act relative to the duties and privileges of towns, passed the 19th day of March, 1803, and shall be entitled to the same fees, and subject to the same penalties, for neglect of duty, as are allowed and imposed in and by said act.

Damages to be appropriated to repairing fences.

IV. *And be it further enacted*, That all damages recovered by virtue of this act, shall be appropriated and applied, from time to time, towards making and repairing the fences which said proprietors have to make and keep in repair for enclosing said tract, and other incidental expenses.

Meeting of owners to be called.

V. *And be it further enacted*, That it shall and may be lawful, immediately after the passing of this act, for any one concerned in the said tract of land, to call a meeting of the owners and possessors of said tract, by putting up three advertisements, in three of the most public places adjacent to said mountain, at least ten days previous to said meeting, on which notice, the owners and possessors of said tract shall convene at the house, where Tunis Smith now resides, at Nyack, which owners or possessors, or such as shall assemble in pursuance of such notice, if a majority of the whole number be present, shall, when met, proceed to elect by plurality of votes three persons, being owners of some part of said tract, to be managers, to make and keep in repair such fences as are necessary to be made by the owners of said tract, for enclosing the same, and for the purpose of making assessments, and superintending the expenditures of all monies to be received and paid out for the purposes aforesaid, which

Managers to be appointed.

Their powers.

said persons so elected shall continue in office until the first Friday in April then next ensuing, when a new election shall take place, and on the first Friday in April in each year, thereafter, there shall be a new election, at such place as shall be agreed upon by a majority of said owners, assembled at a previous annual meeting.

Their continuance in office.

VI. And be it further enacted, That the persons so elected, shall, by virtue of this act, be authorised to make an estimate of the part benefited in said mountain, by such enclosure; shall ascertain the number of acres, as accurately as they can, which each individual owns or possesses therein, and which may in their opinion receive a benefit from such enclosure, either by survey or otherwise, as shall be agreed on by the majority of the owners so met, at their first or any subsequent meeting, which estimate shall, by the managers aforesaid, be entered in a book to be kept for that purpose: in which book shall be entered the names of the persons, from time to time, elected as managers, and all the proceedings relating to the enclosing and keeping enclosed the aforesaid tract of land; which book shall be kept by the managers, for the time being, and all assessments shall be made according to the first estimate, until the same is altered by a majority of the owners concerned.

VII. And be it further enacted, That as soon as any assessment is made, and the sum which each individual has to pay is ascertained, it shall be the duty of the said managers, to demand from each individual, his or her proportion, either personally, or by leaving a statement of the sum he or she is to pay, with some white person belonging to his or her family, at his or her dwelling house, and on failure of payment thereof, for ten days after such demand, it shall be lawful for the said managers to sue for and recover the same, in their own names, from each individual so assessed and notified, together with the costs of prosecuting for the same, in any court having cognizance thereof.

Authorised to demand the amount assessed.

Service of the demand.

VIII. And be it further enacted, That if any person or persons whomsoever, shall wilfully throw down any fence, enclosing the above premises, or open any part of said enclosure, so that damages be done by horses, cattle, sheep or swine on the said enclosed premises, by coming through said breach or opening, so made, such person or persons shall be liable to an action of trespass, to be brought by the said managers in their own names.

All persons injuring the enclosures to be prosecuted in action of trespass.

IX. And be it further enacted, That the said managers shall annually account to the owners for all monies which have come to their hands as aforesaid, and shall pay over the balance remaining in their hands to their successors, together with the books directed to be kept by them, immediately on their going out of office, under the penalty of one hundred dollars, to be sued for and recovered by their successors, with costs of suit, and to be applied by them, when recovered, to the purposes contemplated by this act.

Managers to account for money received.

Penalty for disobedience.

X. And be it further enacted, That the said managers, as a compensation for their services, shall be allowed as much as a majority of the proprietors of said tract, at their annual meeting, shall think proper.

CHAP. XXXVII.

AN ACT to incorporate the Saugerties bridge company.

Passed February 14, 1817.

To build a
toll bridge a-
cross Esopus
creek.

And for that
purpose in-
corporated.

BE it enacted by the People of the state of New-York, represented in Senate and Assembly, That it shall be lawful for any such five or more persons as shall associate, for building a toll bridge across the Esopus creek, near the grist-mill of Peter Mynderse deceased, pursuant to the act, entitled "an act to incorporate the traveller's bridge company," to file a certificate of their association in the clerk's office of Ulster county, within three months after the passing of this act; and the said associates, and all others who may in future associate with them, for the purpose aforesaid, and their assigns and successors, shall be and hereby are incorporated, by the name and style of the "Saugerties bridge company," and by that name they shall be known in the law: and all the provisions, benefits and restrictions, contained in the said recited act, shall be and hereby are extended to the said Saugerties bridge company; and the said herein recited act, for the purposes aforesaid, is hereby revived, and shall enure and attach to the said Saugerties bridge company, in as ample a manner, as if they had by that name been first inserted in the said recited act; and the rights and interests of the said association, under the name of the "traveller's bridge company," is hereby declared forfeited: *Provided*, That the said bridge shall be made and finished within four years after the passing of this act.

CHAP. XXXVIII.

AN ACT relative to the Albany library.

Passed February 14, 1817.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall be lawful for the trustees of the Albany library, in the cases and at the periods directed in and by the act incorporating the said trustees for the appointment of a chairman, to appoint in like manner a deputy chairman; and that five of the said trustees, of whom the chairman or deputy chairman to be one, shall constitute a board for transacting the business of the said library.

CHAP. XXXIX.

AN ACT to authorise the supervisors of the county of Albany to raise a sum of money for the purposes therein mentioned.

Passed February 14, 1817.

I. Be it enacted by the people of the State of New-York, represented in senate and assembly, That the supervisors of the county of Albany, at their next annual meeting, cause to be assessed, levied

and collected, on the freeholders and inhabitants of the town of Watervliet, in the county of Albany, the sum of two hundred dollars, in the same manner as the other contingent charges of the said town are by law directed to be levied and collected, in addition to the sum which they are by law authorised to levy and collect in the said town, for the improvements necessary to be made on the roads and bridges in the same; and that the collector of the said town pay the said sum of two hundred dollars to the commissioners of highways of the said town.

II. *And be it further enacted*, That the commissioners of highways, of the said town, apply the said sum of two hundred dollars, or so much thereof as may be necessary, towards the erecting and completing a bridge across a watercourse, called Stone-hook creek, in the said town, at the place where the road, leading from the city of Albany to the Troy ferry, crosses the same; and that the commissioners of highways account for the said sum of money, to the board of the supervisors of the said county, at their next annual meeting after the same shall have been paid to the said commissioners.

Bridge to be erected.

CHAP. XL.

AN ACT vesting certain powers in the commissioners named in the concurrent resolution of the Senate and Assembly, passed the 17th day of April, 1816.

Passed February 18, 1817.

I. *BE it enacted by the people of the State of New-York, represented in senate and assembly*, That the commissioners, appointed by a concurrent resolution of the senate and assembly, for the purpose of viewing the Hudson's river, between the villages of Troy and Waterford, and the works erected thereon, for the improvement of the navigation thereof, passed the seventeenth day of April, in the year one thousand eight hundred and sixteen, shall have power to issue summons, under their or either of their hands, directed to any person or persons, requiring them, or any of them, to appear before the said commissioners, at any such reasonable times and places as they shall appoint, to testify the truth, according to their knowledge, concerning all such matters as shall be required of them by the said commissioners, or any two of them, in pursuance of the aforesaid resolution, and of this act; and the said commissioners, or either of them, are hereby authorised to administer the necessary oaths to the said witnesses.

Commissioners to issue summons.

II. *And be it further enacted*, That it shall be the duty of the commissioners, appointed by the resolution aforesaid, or any two of them, to report their opinion as to the most practicable and best plan for improving the navigation, between the now navigable waters of the said Hudson river, at Troy, and the village of Waterford; and that they report to the present, or any succeeding legislature, upon all the matters referred to them by this act, and the resolution aforesaid.

To report to the legislature.

III. *And be it further enacted*, That the services and expenses of the said commissioners and witnesses, to be incurred under the second section of this act, shall be paid by the commissioners for im-

proving the navigation of the Hudson river, between Troy and Waterford, out of any monies in their hands for improving the said navigation, or which may hereafter come into their hands for that purpose: *Provided*, That nothing in this act contained, nor the resolution upon which it is predicated, shall in any wise be construed to charge the state with damages or expenses of any kind whatsoever.

CHAP. XLI.

AN ACT to alter the town meetings in Shandaken, in Ulster county, and in Greenwich, in Washington county.

Passed February 21, 1817

I. *BE it enacted by the people of the state of New-York, represented in senate and assembly*, That hereafter the annual town meetings in the town of Shandaken, in Ulster county, be held on the first Tuesday of March in each year.

II. *And be it further enacted*, That the annual town meetings of the freeholders and inhabitants of the town of Greenwich, in the county of Washington, shall in future be held on the first Monday of March of each year, instead of the first Tuesday of April; and that the next town meeting in said town shall be held on the first Monday of March next; and that all such town officers, whose duty it is to meet on the last Tuesday of March, shall meet on the last Tuesday of February, in every year, to do and transact such business as to their respective offices may appertain.

CHAP. XLII.

AN ACT further to amend an act, entitled "*an act to incorporate the New-York manufacturing company*," passed 15th June, 1812.

Passed February 21, 1817.

WHEREAS the president and directors of the New-York manufacturing company have, by their memorial, represented, that they have invested, in the manufacturing branch of their establishment, more money than was required by their act of incorporation, and the act amending the same; and that owing to the embarrassments attending the manufactures of the country, and various other causes, that branch of their business is seriously injurious to their interests, and cannot, without great loss, be prosecuted by them; and have prayed relief in the premises—Therefore,

I. *BE it enacted by the people of the state of New-York, represented in senate and assembly*, That instead of the sum at present required to be invested and employed, in the manufacture of cotton and wool cards, and of wire, it shall and may be lawful for the said president and directors to reduce the amount of capital, so required to be invested and employed, as much as they may think proper, or totally to suspend or abandon the said manufactures: *Provided*

That the sums which may be drawn from the manufacturing branch of the business of the company, after replacing the original amount of their banking capital, shall, neither directly or indirectly, be employed in banking; but shall, at the period of the semi-annual dividends of the bank, be refunded to the stockholders in fair and just proportions.

Provided that it shall not be employed in banking, but to be retained.

II. *And be it further enacted*, That it shall and may be lawful, to and for the said president and directors, to employ any portion of their manufacturing capital in the establishment and prosecution of the manufactures contemplated by the act of incorporation, or the act amending the same, and to sell the right of using and employing the machines, owned by them, at any places out of the state of New-York; and also to sell such and so much of the real and personal estate of the company, as the said president and directors shall think proper: *Provided*, That any citizen of the state may make, sell and use, in the manufacture of cards, within this state, the machines, the exclusive right to which is secured by the letters patent, purchased by said company of A. & W. Whittemore, on condition that he shall neither make said machines, nor use nor sell them, to be used of this state; and that this act shall not be in force until after the president and directors of the said company shall have executed an instrument, under their corporate seal, expressive of their full assent to this proviso, and shall have filed the same in the office of the secretary of state; and it shall also be the duty of the said president and directors, to cause due notice of such assent, on the part of the said company, to be published in the public newspaper, published by the printer to this state, for six weeks in succession.

Authorised to sell the right of using machines. Also their real & personal estate.

All citizens of this state authorised to use the patent.

This act when to take effect.

III. *And be it further enacted*, That the said president and directors may reduce the number of shares of the capital stock of the said company, and alter the amount of each share, in such manner, however, as in no event to increase or diminish the original banking capital of seven hundred thousand dollars, nor to increase the original amount of a share.

Shares to be reduced. But not to affect the original capital.

IV. *And be it further enacted*, That the name and style of the said company, on and after the first day of July next, shall be, and thereafter continue to be, "The President and Directors of the Phoenix Bank;" but such change of name and style shall not affect any contract made by or with said corporation, or operate to prejudice any suit in law or equity, or any other proceeding, commenced, or which may be commenced, by or against the said company.

Alteration of the title of the company.

CHAP. XLIII.

AN ACT to amend the act, entitled "an act to regulate highways," passed March 19, 1813.

Passed February 21, 1817.

I. *BE it enacted by the people of the state of New-York. represented in senate and assembly*, That the twelve freeholders, who certify upon oath that a road is necessary and proper, shall not be allowed to assess the damages of the said road; and further, that the

Commissioners to be appointed.

commissioners to be appointed by a judge of the court of common pleas, to assess the damages of the said road, shall neither be interested nor any wise akin to the owner thereof, and shall take such oath as is required to be taken by the jury in that case made and provided.

Appeal to be made if aggrieved within 60 days.

II. *And be it further enacted*, That it shall and may be lawful for any person, conceiving himself aggrieved by the determination of the commissioners, within sixty days thereafter to appeal to any three of the judges of the court of common pleas, of the county where the commissioners so refusing to lay out or alter such road, shall reside, whose duty it shall be to convene as soon as may be convenient, and decide such appeal; whose decision, or that of any two of them, shall be conclusive in the premises; for which service every such judge shall be entitled to receive two dollars for every day employed therein, to be paid by such party appealing, where the determination of the commissioners (so refusing) shall be affirmed; but where such determination shall be reversed, the same shall be collected and paid as part of the contingent charges of the county.

Compensation to judges.

Any road used as a highway to be considered such.

III. *And be it further enacted and declared*, That when any roads have been used as public highways for twenty years or more, the same shall be taken and deemed as public highways, although no record thereof has been made, unless they shall be altered in the manner prescribed in the act, entitled "an act to regulate highways," passed 19th March, 1813.

IV. *And be it further enacted*, That the accounts of surveyors, employed by the commissioners of highways in laying out roads, shall be audited and paid in the same manner as the several town officers in this state are paid.

CHAP. XLIV.

AN ACT to authorise Frederick A. De Zeng to erect a dam across the Canandaigua outlet.

Passed February 21, 1817.

F.A. De Zeng authorised to build a dam.

Be it enacted by the people of the state of New-York, represented in senate and assembly, That it shall and may be lawful for Frederick A. De Zeng, his heirs and assigns, to erect and maintain a dam across the Canandaigua outlet, on lot number forty-six, in the town of Galen, and county of Seneca, of such height as may secure the lands above from damage of back water, and as shall be necessary to remove the impediments to the passage of boats at low water: *Provided always, and upon this express condition*, That the said Frederick A. De Zeng, his heirs and assigns, shall erect and maintain, in said dam, a sufficient lock for the safe passage of all boats employed in said outlet, and shall at all times permit all boats employed to pass through said lock free of any cost; and also keep the said lock in good repair as long as the said dam shall exist; and if the said Frederick A. De Zeng, his heirs or assigns, unreasonably delay or hinder any person or persons, with boats, from passing such lock or canal, he shall, for every such offence, forfeit and pay

Provido.

Penalty for delaying boats.

two dollars for every hour's delay or hindrance, to be recovered before any justice of the peace in the counties of Seneca or Ontario: *And further*, That it shall and may be lawful for the said Frederick A. De Zeng, his heirs and assigns, to take and make use of the water in said dam for mills and hydraulic works, or to any other use, which the same is capable of being applied, upon lands owned by him, his heirs and assigns: *And provided further*, That it shall and may be lawful for the legislature of this state, at any time hereafter, when in their opinion the public interest shall require it, either to amend or repeal this act.

The legislature reserve the right of repealing this law.

CHAP. XLV.

AN ACT to authorise *Septimus Evans* to erect a dam across the *Canandaigua outlet*.

Passed February 21, 1817.

BE it enacted by the people of the state of New-York, represented in senate and assembly, That it shall and may be lawful for *Septimus Evans*, his heirs and assigns, to erect and maintain a dam across the *Canandaigua outlet*, at the rapids, on lot number eighty one, in the town of *Galen*, and county of *Seneca*, of such height as may secure the lands above from damage of back water, and as shall be necessary to remove the impediments to the passage of boats, at said rapids, at low water: *Provided always, and upon this express condition*, That the said *Septimus Evans*, his heirs and assigns, shall erect and maintain, in said dam, a sufficient lock for the safe passage of boats employed in said outlet, and shall at all times permit all boats to pass through said lock free of any cost; and also keep the said lock in good repair as long as the said dam shall exist; and if the said *Septimus Evans*, his heirs and assigns, unreasonably delay or hinder any person or persons, with boats, from passing such lock or canal, he shall, for every such offence, forfeit and pay two dollars for every hour's delay or hindrance, to be recovered before any justice of the peace in the said county of *Seneca* or *Ontario*: *And further*, That it shall and may be lawful for the said *Septimus Evans*, his heirs and assigns, to take and make use of the water, in said dam, for mills and hydraulic works, or to any other use to which the same is capable of being applied, upon lands owned by him, his heirs and assigns: *And provided further*, That it shall and may be lawful for the legislature of this state, at any time hereafter, when in their opinion the public interest shall require it, either to amend or repeal this act.

S. Evans authorised to erect a dam.

To erect a lock.

Penalty for delaying boats.

Right to repeal this act

CHAP. XLVI.

AN ACT authorising the *Surveyor General* to survey the lot of land heretofore granted to *John Cornelis*, otherwise called *John Saugonia*.

Passed February 21, 1817.

WHEREAS, by an act of the legislature of this state, passed the 15th day of April, 1816, entitled "an act for the relief of *John Cor-*

nelis, otherwise called John Sagueonta," there was ceded and confirmed to the said John fifty acres of land, to be laid off on the west-erly side of the Sconondoa creek, in the town of Vernon, where the said John resided—Therefore,

I. *BE it enacted by the people of the state of New-York, repre-sented in senate and assembly*, That the surveyor general of this state be, and he is hereby authorised and required, to lay off and survey the above mentioned fifty acres of land, on the south-westerly side of the said creek, opposite the land heretofore granted to Dolly Den-ny, so as to include the improvements of the said John, allowing for the highway.

II. *And be it further enacted*, That the commissioners of the land office issue a patent to the said John, or his assigns, for the same land.

CHAP. XLVII.

AN ACT to incorporate the Duaneburgh and Charleston bridge company.

Passed February 21, 1817.

J. Burton & others au-
thorised to
erect a
bridge across
the Schohar-
ie creek.
To be a body
corporate.

I. *BE it enacted by the people of the state of New-York, repre-sented in senate and assembly*, That Judah Burton, William Patter-son, Lewis Eaton, Ebenezer Mudge and Benjamin Kneeland, and all such persons as shall associate for the purpose of erecting and build-
ing a bridge over the Schoharie creek, at or near the mills of Judah Burton, shall be and are hereby made a body corporate and politic, in fact and in name, by the name of "The president, directors and company of the Duaneburgh and Charleston bridge company," and so to remain; and by that name they and their successors shall and may have continual succession, be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever; and that they may have and use a common seal, and may alter and change the same at pleasure; and may purchase, hold and convey, any real and personal estate which may be necessary for the purpo-
ses of this incorporation, and for no other use or purpose whatever.

Their pow-
ers.

II. *And be it further enacted*, That the stock, property, affairs and concerns of the said corporation, shall be managed and directed by five directors, who shall be stockholders, and shall, together with a treasurer, be annually chosen and elected, on the first Tuesday in May in every year, at such time and at such place as the directors, for the time being, shall appoint; of which public notice shall be given, at least fourteen days before the day of meeting, by putting up the same at four public places in each of the said towns of Du-aneburgh and Charleston; and all such elections shall be by ballot; and such directors and treasurer shall hold their respective offices for one year, and until others are chosen in their stead; and that Ju-dah Burton, William Patterson, Lewis Eaton, Ebenezer Mudge and Benjamin Kneeland, shall be the first directors, and Adam Smith the first treasurer, of the said incorporation, and shall hold their of-

Directors &
treasurer to
be appoint-
ed.

Election &
notice.

ees until the first Tuesday in May, one thousand eight hundred and eighteen, and until others shall be appointed in their stead.

III. *And be it further enacted*, That the said directors shall, as soon as may be after their election, choose one of their own number for president; and the said directors shall have power to make such by-laws, rules, orders and regulations, not inconsistent with the laws of this state or of the United States, as shall be necessary for the management and well ordering the affairs of the said corporation, to call special meetings of the stockholders, to appoint and employ such agents, clerks, superintendants, toll gatherers, workmen and other persons, as shall be necessary for executing the business of said corporation, to require and receive from the treasurer, and other persons in their employ, bonds, with sufficient sureties, for the faithful discharge of their trust; and if at any time the treasurer, or either of the said directors, shall die, resign, remove from the state or cease to be a stockholder, his place shall be filled, for the remainder of the year, by such person as the directors, or a majority of them, shall appoint.

President to be chosen.

Powers of the directors.

Vacancies how filled.

IV. *And be it further enacted*, That the capital stock of the said company shall not exceed twelve thousand dollars, and that a share in the said stock shall be ten dollars, and that each stockholder shall be entitled to a number of votes equal to the number of shares he shall hold in his own name; and that it shall and may be lawful for the said directors, from time to time, to call for and demand from the stockholders respectively, such parts of the said sum of ten dollars, upon each of the shares held by them respectively, as to the said directors may appear proper; and upon refusal or neglect to make such payments, or any of them, either to sue for the same in any court having cognizance thereof, or to cause such shares and all payments thereon, previously made, to be forfeited to the said corporation.

Amount of capital.

To make calls.

Shares, &c. when forfeited.

V. *And be it further enacted*, That in case the said bridge shall not be erected, built and completed, within three years from the passing of this act, or if after the same shall have been completed, it shall at any time be impassable, with loaded waggons, for the term of fifty days, that the said corporation shall be, and the same is hereby declared in such case, dissolved: *Provided nevertheless*, That no such dissolution shall take place by reason of the said bridge being carried away by ice, if the said bridge shall be rebuilt within two years after the same shall have been so carried away.

Bridge to be completed within three years. Corporation to be dissolved in what case.

VI. *And be it further enacted*, That as soon as the said bridge shall be completed, and the judges of the court of common pleas, in and for the county of Montgomery, or any three of them, shall, upon inspection, certify under their hands, that the said bridge is well and sufficiently constructed and built, and will admit of the passage of loaded teams and other carriages, it shall and may be lawful for the said president and directors to erect a gate at either end of said bridge, and demand, receive and take, for the use of said corporation, a toll not exceeding the following rates, to wit: every four wheeled pleasure carriage, drawn by two horses, thirty-one cents, for every additional horse, six cents; every two wheeled pleasure carriage, drawn by one horse, eighteen cents, every additional horse,

Gate may be erected.

Toll.

six cents; every waggon, cart or sleigh, drawn by two horses, oxen or mules, twelve and an half cents, for every additional horse, ox or mule, six cents; every one horse cart, drawn by one horse, ox or mule, eight cents; every man and horse, six cents; every foot passenger, two cents; every horse, jack or mule, led or driven, four cents; every cow or other neat cattle, two cents; every score of sheep or hogs, twelve and an half cents; and so in proportion for a greater or less number.

Penalty for exacting more than is allowed by law. VII. *And be it further enacted,* That it shall be the duty of the said corporation, to cause to be affixed, in some conspicuous place, near or over said gate, a list of their rate of toll; and if any toll gatherer shall demand and receive more toll than is by this act allowed to be taken, or shall unreasonably hinder or detain any traveller, he shall, for every such offence, forfeit and pay a sum not exceeding ten dollars, to be sued for and recovered before any justice of the peace of the county wherein such offence shall have been committed, for the use of the person or persons so unlawfully defrauded, hindered or detained.

No ferry to be established within a mile. VIII. *And be it further enacted,* That it shall not be lawful for any person or persons to erect a bridge or establish a ferry, across the said creek, within one mile from the place where the said bridge shall be erected and built, and whilst the same shall be kept in repair by the said company, during the continuance of the corporation hereby created.

Penalty for injuring the bridge. IX. *And be it further enacted,* That if any person or persons shall wilfully do or cause to be done, any illegal act whatsoever, whereby the said bridge, or any thing appertaining to the same, shall be impaired, weakened or injured, every person so offending shall forfeit and pay to the said company treble the amount of damage sustained by means of such offence or injury; and if any person or persons shall forcibly pass the gate, to be erected on or near said bridge in pursuance of this act, without having paid the legal toll, or shall ride or drive any horse or team, on the said bridge, faster than on a walk, such person or persons shall forfeit and pay a fine not exceeding ten dollars, nor less than one dollar; and all such fines and forfeitures shall be recovered by said company, with costs of suit, in an action of debt, in the name of the treasurer of the corporation, and to their use, in any court having cognizance thereof, which action in every instance shall be transitory in its nature.

Also for evading toll.

To be recovered in action of debt.

Width of the bridge. X. *And be it further enacted,* That the said bridge shall not be less than twenty feet wide, and shall be well secured with a good and sufficient railing on each side thereof, not less than four feet high.

Directors to open books for subscription. XI. *And be it further enacted,* That the said directors hereby named and appointed, shall and may cause books to be opened for the reception of subscriptions to the stock of said company, and may make such regulations concerning such subscriptions as to them shall seem expedient.

Declared a public act. XII. *And be it further enacted,* That this act be and the same is hereby declared to be a public act, and shall be construed favorable for every beneficial purpose therein mentioned.

XIII. *And be it further enacted*, That this act shall continue in force sixty years from and after the passing of the same, and no longer: *Provided, notwithstanding*, That nothing herein contained, shall be deemed or construed to prevent any future legislature, at any time within the period aforesaid, to modify this act.

Continuance
of the char-
ter.

CHAP. XLVIII.

AN ACT relating to the courts of common pleas and general sessions of the peace in and for the county of Westchester, and for regulating the time for holding the same.

Passed February 21, 1817.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly*, That the courts of common pleas in and for the county of Westchester, shall hereafter be holden on the fourth Mondays of May and September, and third Mondays of January, in every year, all of which shall be terms for the trial of issues, and may continue to be holden from the commencements thereof until Saturday of the same week, inclusive.

Terms of the
courts of com-
mon pleas.

II. *And be it further enacted*, That at each and every of the September and January terms of the said court of common pleas, there shall also be holden a court of general sessions of the peace in and for the said county, which may continue to be kept open from the commencement of the term of the common pleas, until the Saturday thereafter, inclusive.

General ses-
sions to be
held.

III. *And be it further enacted*, That for the future, the said court of common pleas and general sessions of the peace, shall be holden in the manner and at the places hereafter mentioned, viz: the September term at the court house in Bedford, the May term at the court house in White Plains, and the January term at the academy in the village of Singing, in the town of Mount Pleasant: *Provided*, That the trustees of said academy shall, within three months after the passing of this act, file, or cause to be filed in the clerk's office of said county, an engagement or agreement, under the hands and seals of the said trustees, or a majority of them, that the said court shall have full liberty to occupy the said academy, for the purpose of holding courts as aforesaid, free of and without any charge or expense to the said county.

Times when
held.

To occupy
the academy
in Mount
Pleasant, pro-
vided the
trustees con-
sent.

IV. *And be it further enacted*, That in case the said trustees shall neglect or refuse to file such agreement as aforesaid, that then and in such cases, the next May term of the said court of common pleas shall be holden at the court house in the town of White Plains; and that thereafter the said courts of common pleas and general sessions of the peace shall be holden alternately at the court house in Bedford and at the court house in the White Plains.

If not, in the
town of
White Plains.

V. *And be it further enacted*, That all acts or parts of acts heretofore passed relating to the times of holding the courts of common pleas and general sessions of the peace in and for the county of Westchester, be and the same are hereby repealed.

Former acts
repealed.

CHAP XLIX.

AN ACT to incorporate the Ithaca and Ludlowville turnpike company.

Passed February 21, 1817.

Luther Geer
and others in
incorporated.

*I. BE it enacted by the People of the state of New-York, represented in Senate and Assembly, That Luther Geer, David Woodcock, Benjamin Drake, Thomas Ludlow, John Lowman, Abijah Miller, Oliver Phelps, and such other persons as shall associate for the purpose of making a good and sufficient turnpike road in Cayuga and Seneca counties, described as follows: to commence at the village of Ithaca, in Seneca county and from thence to take the most direct, convenient and eligible route to the village of Ludlowville, in Cayuga county, be and are hereby created, ordained and constituted a body corporate and politic, by the name of "the president and directors of the Ithaca and Ludlowville turnpike road company," and by that name they shall and may have perpetual succession, and shall be, and are hereby made, capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places whatsoever, and shall make and use a common seal, and may alter the same at pleasure; and they are hereby made capable in law of purchasing, holding and conveying any estate, real and personal, for the benefit of said company: *Provided*, That such estate, as well real as personal, so to be purchased and held, shall be necessary to fulfil the end and intent of the said corporation, and to no other purpose whatever.*

To have a
common seal

And to hold
real estate.

Road to be
made agree-
ably to the
general turn-
pike law.

II. And be it further enacted, That the said road shall be made in every respect agreeably to the directions of the act, entitled "an act relative to turnpike roads," passed 13th day of March, 1807.

Amount of
stock.

III. And be it further enacted, That the stock of the said company shall consist of five hundred shares, of twenty dollars each, and that Luther Geer, Oliver Phelps and David Ogden, be and they are hereby appointed commissioners to receive subscriptions for said stock, in the manner directed in and by the said act.

Tolls.

IV. And be it further enacted, That the said company, hereby incorporated, shall be entitled to exact, demand and receive, of and from every person travelling on or using said road, at the gate or turnpike to be established in the most convenient and eligible situation thereon, the following sums of money: for every cart, waggon or other wheeled carriage, drawn by two horses, mules or oxen, twelve and an half cents, except as hereafter mentioned, and three cents for every additional horse, mule or ox; for every horse rode, led or driven, four cents; for every cart or waggon, drawn by one horse, or mule, six cents; for every wheeled pleasure carriage, drawn by one horse, twelve and an half cents; for every four wheeled, pleasure carriage, drawn by two horses, twenty-five cents; for every sleigh or sled, drawn by two horses, mules or oxen, six cents, and in the same proportion if drawn by a greater or less number; for every score of horses, mules or cattle, twenty cents, and in a like proportion for any greater or less number; for every score of sheep

or hogs, eight cents, and in a like proportion for a greater or less number; for every stage waggon, drawn by two horses, twelve and an half cents, and three cents for each additional horse: *Provided*, that no wheeled carriage, the tire whereof is six inches in width, shall be subject to toll on said road.

V. *And be it further enacted*, That the number of directors for managing the concerns of the said company, hereby incorporated, shall be seven, four of whom shall be a quorum, and capable of managing the concerns and business of said company; and that the said company, hereby incorporated, shall have and enjoy all the rights and privileges, powers and immunities in and by the said act, entitled "an act relative to turnpike companies," passed 13th day of March, 1807, and shall be subject to all the conditions, restrictions and regulations contained in the aforesaid act.

Directors to be appointed

Their powers.

CHAP. L.

AN ACT to appoint commissioners to perform certain duties of a judge of the supreme court.

Passed February 21, 1817.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That the person administering the government of this state, by and with the advice and consent of the council of appointment, shall from time to time appoint a fit and proper person, as a commissioner, to reside at the village of Watertown, in the county of Jefferson, and also a fit and proper person as a commissioner, in the county of Niagara, who, by virtue of this act, shall respectively be authorised and required, to perform the duties of a judge of the supreme court, and to do and execute every power and trust, which, according to the practice of the said court, the judges thereof may perform and execute, out of court, in all cases, both civil and criminal, to allow writs of habeas corpus, and writs of certiorari, and also to execute an act, entitled "an act for relief against absconding and absent debtors," and the act, entitled "an act for giving relief in cases of insolvency," in like manner as judges of the supreme court may or might allow and execute the same.

Commissioner appointed

His duties

X. *And be it further enacted*, That each of said commissioners shall be counsellors of the supreme court, and before they enter upon the duties of their office, shall take and subscribe, before the clerks, or one of the judges of the courts of common pleas in the counties of Jefferson and Niagara, in which they shall reside, an oath, well and truly to execute and perform the duties prescribed in and by this act, which oath shall be filed in the office of the clerks of said counties.

To take an oath.

II. *And be it further enacted*, That it shall be lawful for the said commissioners, to take and receive the same fees, for the services performed by virtue of this act, as the recorders of the several cities in this state are allowed for the like services.

His fees

CHAP. LI.

AN ACT to divide the town of Richland, in the county of Oswego:

Passed February 28, 1817.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That from and after the passing of this act, all that part of the town of Richland, in the county of Oswego, known and distinguished on the map of this state, made by the surveyor general, named Campania and Longinus, be and hereby is erected into a separate town by the name of Orwell; and that the first town meeting therein shall be held at the dwelling house of Timothy Balch, at the time of holding the annual town meetings in the several towns in said county; and that all the remaining part of the said town of Richland, be and remain a separate town by the name of Richland.

II. *And be it further enacted*, That as soon as may be after the first town meeting in said town of Orwell, the supervisors, commissioners of common schools and overseers of the poor, of the said towns of Richland and Orwell, on notice being first given by the supervisors thereof, shall meet together and divide the money and poor belonging to Richland, aforesaid, previous to its division, agreeably to the then last tax list of said town, and that each of the said towns shall forever thereafter support their own poor.

CHAP. LII.

AN ACT to alter the times of holding circuit courts in certain counties therein mentioned.

Passed February 28, 1817.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That instead of the times appointed, by a rule of the supreme court of judicature of this state, of January term last, for holding circuit courts and sittings in the counties of Rockland, Richmond, Westchester, Kings, Queens and Suffolk, respectively, the next circuit court, in and for said counties, shall be holden at the times following, to wit: in the county of Rockland, on Tuesday the twenty-seventh day of May next; in the county of Richmond, on Friday the thirtieth day of May next; in the county of Westchester, on Monday the second day of June next; in the county of Kings, on Monday the ninth day of June next; in the county of Queens, on Thursday the twelfth day of June next; and in the county of Suffolk, on Monday the sixteenth day of June next; and the sittings in the city and county of New-York, on Friday the twentieth day of June next.

CHAP. LIII.

AN ACT to enable William Taylor to take the surname of Skiddy.

Passed February 28, 1817.

WHEREAS William Taylor, by his petition to the legislature, has prayed that the surname of Skiddy may be used or substituted by him in the room of his present surname of Taylor—Therefore,

BE it enacted by the people of the state of New-York, represented in senate and assembly, That the surname of Skiddy be and the same is hereby substituted in the room, place and stead of that of Taylor; and that at all times hereafter, he the said William Taylor, shall and may take upon himself the name of William Skiddy, and by the same name of William Skiddy shall be known and called in all cases whatsoever.

CHAP. LIV.

AN ACT for the relief of Jonathan Platt.

Passed February 28, 1817.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the treasurer pay, on the warrant of the comptroller, to Jonathan Platt, late sheriff of the county of Tioga, the sum of sixty-seven dollars and fifty cents, it being for services performed in behalf of this state, in conveying John Staley to the state prison.

CHAP. LV.

AN ACT to amend an act, entitled "an act for giving relief in cases of insolvency."

Passed February 28, 1817.

I. BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for any creditor of any person who hath or shall have been actually imprisoned for sixty days or upwards, upon execution, in any civil action, to apply for relief in person, or if any such creditor reside without this state, by attorney, to the chancellor of this state, or to any justice of the supreme court, or to the first judge of any court of common pleas within this state, or to any of the commissioners authorised and required by the act, entitled "an act for giving relief in cases of insolvency," to do and execute the powers and trusts which a judge of the supreme court is authorised and required to do and execute, by virtue of the same, in case such creditor, or the said attorney, shall be apprehensive that the estate or effects of such person will be wasted or embezzled; and upon such appli-

Any creditor to apply for the relief of the debtor after 60 days imprisonment.

To make af-
fidavit.

Order of pub-
lication.

Copy to be
served on the
debtor.

If debtor de-
livers an ac-
count of his
creditors,

And of his es-
tate,

On oath;

And if two
thirds of his
creditors, in
amount, join
in the request

cation, and an affidavit being made by such creditor, before a master in chancery, justice of the supreme court, or judge of the court of common pleas, or in case of the residence of such creditor without this state, then in the manner directed in and by the fourth section of the act hereby amended, that such person is justly indebted to such creditor, in a certain sum of money then due, to be specified in the said affidavit, and not less than twenty-five dollars, and that such person is in prison on an execution issued against him in some civil action, and has been so imprisoned for sixty days or upwards, the said chancellor, judge or commissioner, shall order a publication to be made in the manner in and by the fifth section of the said act directed, for the creditors of such person to appear before him at a certain day in the said order to be specified, and not less than eight weeks after the publication of such order, to shew cause, if any they have, why an assignment of the said person's estate should not be made for the benefit of all his creditors; and the creditor on whose application the said order for publication shall be made, shall, within ten days thereafter, serve, or cause to be served, a copy of the said order on the said debtor, or on the keeper of the prison where such debtor shall be imprisoned, whose duty it shall be to deliver the same to him, of which service due proof, by affidavit, shall be made at the time of hearing.

II. *And be it further enacted*, That if upon the day so specified, or upon any such subsequent days and times as the said chancellor, judge or commissioner may appoint, the said debtor shall deliver to the said chancellor, judge or commissioner, a full, just and true account of all his creditors, and the monies owing to them respectively by the said debtor, in which the said debtor shall clearly set forth and express the true cause or consideration upon which each and every of the said debts were contracted, and also a full, just and true inventory of all the estate, both real and personal, in law and equity, of such debtor, and of all books, vouchers and securities relating to the same; and also take and subscribe before the said chancellor, judge or commissioner, an oath, in the form prescribed in and by the fifth section of the said act hereby amended; and if so many of the creditors of such debtor as shall have debts *bona fide* owing to them, to two thirds of the amount of all the debts due from such debtor, shall, in writing, request an assignment to be made of the estate of such debtor, and if each of the creditors making such request, shall also make an affidavit in the manner herein before directed, stating that the sum demanded by such creditor is justly due to him, or will become due to him at some future time, to be specified in such affidavit, and that he, or any other person to his use, hath not received from such debtor payment of his demand against such debtor, nor of any part thereof, either in money, or by sale, conveyance, assignment, or delivery of any lands, tenements, hereditaments, goods, or any *choses* in action, or any gift or reward whatsoever, upon any open or secret, express or implied contract, promise, trust or confidence, that he should consent to or request such assignment; and if the said chancellor, judge or commissioner, shall be satisfied that the said debtor is justly and truly indebted to the creditors requesting such assignment, in the sums by them respectively stated in their affidavits, and that such sums amount in the aggregate to two thirds of

the debts due by such debtor to creditors residing within the United States, and no good cause appears to the contrary, the said chancellor, judge or commissioner, shall direct a grant or assignment of all such debtor's estate, both in law and equity, in possession, reversion and remainder, to be made by such debtor to the person or persons nominated by a majority of the creditors requesting such assignment as aforesaid, (excepting such articles of wearing apparel, bedding and furniture, as in the opinion of the said chancellor, judge or commissioner, shall be reasonable and necessary for such debtor and his family to retain, and also the arms and accoutrements of the said debtor, if any be mentioned in the inventory to be made as aforesaid,) and if such debtor shall within ten days thereafter make and execute such assignment, and shall produce to the said chancellor, judge or commissioner, a certificate of such assignment as is required by the eighth section of the act hereby amended, the said chancellor, judge or commissioner, shall discharge the said debtor from imprisonment, and from all debts due by him, in the manner directed by the said eighth section of the said act, which discharge shall have the like effect as a discharge granted by virtue of the same.

And debtor assigns his property,

He may be discharged.

III. *And be it further enacted*, That if in any case it shall appear from the account or list of creditors, delivered by any such debtor as herein before directed, to the said chancellor, judge or commissioner, or in any other manner, that so many of the creditors of such debtor as have debts *bona fide* due to them, to two thirds of the aggregate amount of all the debts due by the said debtor, have not requested in manner aforesaid an assignment of the estate of such debtor to be made, or have not accompanied such request with an affidavit, as herein before directed, the said chancellor, judge or commissioner, shall not direct an assignment of such debtor's estate to be made, nor grant a discharge of such debtor, either from his debts or from imprisonment.

Otherwise no discharge to be granted.

IV. *And be it further enacted*, That if any such imprisoned debtor, against whom proceedings shall have been had by virtue of this act, shall refuse or neglect to deliver to the said chancellor, judge or commissioner, to whom such application shall have been made as aforesaid, an account or schedule of his creditors, and of the monies due to them respectively, and a full, just and true inventory of all his estate, or to take and subscribe the oath, or to make and execute the assignment herein before directed and required, at the times and in the manner herein prescribed; or if it shall appear to the satisfaction of such chancellor, judge or commissioner, that the said debtor has concealed any of his debts, or any part of his estate, or that he has not given a true account of the considerations upon which each of them was contracted, or has committed any fraud for the purpose of benefiting himself or his family, or of obtaining a discharge under this act, or the act hereby amended, and if in any of these cases, so many of the creditors of such debtor as such chancellor, judge or commissioner, shall be satisfied have *bona fide* debts due to them, to two thirds of the aggregate amount of all the debts due from such debtor, shall request, in the manner herein before directed, an assignment to be made of the estate of such

If debtor refuse to render an inventory;

If he conceal any of his property, or attempt fraud;

Or if two thirds of his creditors do not make request;

His estate
may be as-
signed;

But he shall
not be dis-
charged.

debtor, and shall accompany such request with the affidavit herein before required, the said chancellor, judge or commissioner, shall execute an assignment for the benefit of all the creditors of such debtor, of all the estate of such debtor, both real and personal, in law or equity, in possession, reversion or remainder, to such person or persons as a majority of the creditors, in respect to the amount of their demands, requesting such assignment shall nominate, which assignment shall be equally valid, have the like effect, vest the like estate from the first day of the publication of the order herein before directed, and subject the assignees to the like duties, as if such assignment had been executed by such imprisoned debtor; and such imprisoned debtor, so neglecting and refusing in any of the cases aforesaid, shall not be discharged from his debts, nor from imprisonment but upon the petition of himself and so many of his creditors as have debts *bona fide* due to them, to two thirds of the aggregate amount of all the debts due from such debtor, at the date of the order for publication first in this act mentioned; which joint petition shall be accompanied by a like account and inventory, and the like affidavit of debtor and creditors respectively, as are prescribed in the second section of this act, excepting that such accounts and affidavits respectively, shall state that the sums therein specified were due from the said debtor at the date of the order for publication, first in this act mentioned; and it shall be the duty of the said chancellor, judge or commissioner, to whom such joint petition shall be presented, to cause to be published, in the manner, and for the time, prescribed in and by the fifth and sixth sections of the act hereby amended, an advertisement, requiring the creditors of the imprisoned debtor to shew cause, if any they have, by such a day as shall be appointed by the said chancellor, judge or commissioner, why the said debtor should not be discharged, at which day, or at such other days and times as the said chancellor, judge or commissioner may appoint, if no sufficient cause to the contrary appears, and if the said chancellor, judge or commissioner, shall be satisfied that such debtor was at the day of the date of the order for publication, first in this act mentioned, justly and truly indebted to the creditors requiring his discharge, and that the debts due to them at that time amounted in the aggregate to two thirds of all the debts then due from the said debtor to creditors residing within the United States, the said chancellor, judge or commissioner, shall thereupon grant the said debtor his discharge from his debts, and from imprisonment, which said discharge shall have the like effect as if granted by virtue of the eighth section of the act hereby amended.

Holders of
mortgages,
judgments,
&c. not to be-
come peti-
tioners for
such, unless
they give up
the same to
assignees.

V. *And be it further enacted*, That any person having any mortgage, judgment, or other security, of or upon any lands, tenements, hereditaments, goods or chattels, or any chose in action whatsoever, either to such person, or to any other in trust for such person, for securing the payment of any sum of money from such imprisoned debtor, shall not for such sum become a petitioner for the discharge of such debtor, or request an assignment of such debtor's estate as aforesaid, unless such person, upon signing the said petition or request, shall add to his name, subscribed to the same, a declaration in writing, that he doth relinquish and give up to the assignee or assignees, who may have been, or are to be appointed, (as the case may

be) by virtue of this act, such mortgage, judgment or other security, for the benefit of all the creditors of the said imprisoned debtor; and every such mortgage, judgment and security, so relinquished, and the lands, tenements, hereditaments, goods and chattels, and choses in action, affected thereby, shall be transferred to and vest in the assignee or assignees of such debtor's estate, for the uses and purposes aforesaid: *Provided always*, That no debt of any mortgagee or judgment creditor shall be considered as part of the sum requisite to sustain the application, or govern the discharge of an insolvent debtor, unless such creditor shall relinquish his lien on the insolvent's estate, by virtue of such mortgage or judgment, in the mode herein above described.

Proviso:

VI. *And be it further enacted*, That no person shall become a petitioning creditor for the discharge of any imprisoned debtor, or request an assignment of such debtor's estate, who shall have purchased, or procured to be assigned to him, any debt due or to become due for such debts, except for such amount only as was the actual and bona fide consideration given for such debt so purchased, or procured to be assigned as aforesaid.

No person to become petitioning creditor for a greater amount than actual amo't paid for any debt.

VII. *And be it further enacted*, That the seventh section of the act hereby amended, and the twenty-sixth section of the said act as herein after amended, shall in all respects be extended and held applicable to proceedings had under and by virtue of this act.

VIII. *And be it further enacted*, That in case of the death, sickness, absence, resignation or removal from office, of the chancellor, justices, judges or other officer, to whom application may have been made by an insolvent debtor or his creditors, by virtue of the act hereby amended, or of this act, and a day given in consequence of such application, it shall be the duty of the chancellor, justice, judge or other officer, to whom application shall be made, to proceed therein, by virtue of said act, in the place or stead of the chancellor, justice, judge or other officer, to whom the original application may have been made as aforesaid, to cause reasonable notice of the transfer of the proceedings to be given to the said insolvent debtor, or to the said creditors respectively, and to require proof of the service or giving of such notice to be made before he proceed therein, whenever and as often as such transfer shall take place.

In certain cases hearing may be had before an officer other than the one who grants the order.

IX. *And be it further enacted*, That the ninth and tenth sections of the act, entitled "an act for giving relief in cases of insolvency," passed the 12th day of April, 1813, be and the same are hereby repealed: *Provided nevertheless*, That nothing herein contained shall be construed to affect any application or proceedings under the said ninth and tenth sections of the act aforesaid, of which the publication of a notice may have been commenced before the passing of this act, but that the same be prosecuted in like manner as if this act had not been passed.

Certain sections repealed.

X. *And be it further enacted*, That the said act, hereby amended, shall hereafter be so construed as to admit creditors residing out of the United States to become petitioners for the discharge of any debtor under the provisions of the said act, and under the restrictions and regulations contained in the fourth section of the said act; which creditors, so petitioning, shall be taken into the estimate in ascertaining whether two thirds, in value, of the creditors of any such

Creditors out of the U. S. may become petitioners.

insolvent debtor have petitioned for his discharge; and whenever it shall appear to the chancellor, justice of the supreme court, judges of the common pleas, recorder or commissioner, as the case may be, that two thirds in value of all the creditors of any insolvent debtor have petitioned for his discharge, and have conformed to the requisitions of the said act, then the insolvent debtor shall be discharged from all his debts, whether foreign or domestic; and whenever two thirds in value of all the debts due from or owing by such insolvent debtor, shall be due and owing to creditors within the United States, who shall petition for the discharge of such insolvent debtor, and conform to the requisitions of the said act, then, and in such case, the discharge of such insolvent debtor shall operate and be deemed to be a discharge of the insolvent debtor from all debts due and owing from him, whether foreign or domestic.

Creditor to state the consideration of his debts.

XI. *And be it further enacted*, That in all cases where the debtor and two thirds of his creditors, in amount, shall petition for the discharge of the said debtor, as by this or the act hereby amended is provided, the said debtor shall, in the list or account of his debts required by the said acts, specify and set forth clearly the true cause and consideration upon which each and every of the said debts were contracted; and if the said debtor shall not give a true account of the consideration of the said debts, or any of them, he shall not be discharged by the chancellor, judge, or commissioner; and if the said debtor shall have obtained his discharge, it shall in such case be adjudged fraudulent and void.

Wife of debtor may be required to come before judge.

XII. *And be it further enacted*, That in all cases where the wife of the insolvent debtor shall not reside within this state, then and in that case it shall be lawful for the chancellor, justice, first judge, or court of common pleas, upon application of any creditor of such insolvent debtor, to order the said insolvent debtor to bring before the said chancellor, justice, first judge, or court of common pleas, the wife of the said insolvent debtor, to the end that she may be examined as is directed by the seventh section of the act for giving relief in cases of insolvency; and in case the said insolvent debtor shall refuse or neglect to comply with the directions of the said order, he shall not be entitled to a discharge agreeable to the act hereby amended: *Provided*, That in all cases the said order shall be made at least three weeks before the day or term fixed for the hearing and determining on the said insolvent debtor's application: *And provided further*, That if the said insolvent debtor shall prove to the satisfaction of the said chancellor, justice or first judge of the court of common pleas, at the time of trial, that he was unable to bring the said wife for the purpose of her being examined as aforesaid, then and in that case he shall be discharged from the condition of the said order.

Examine.

Recorders to act as commissioners.

XIII. *And be it further enacted*, That the several recorders of the several cities in this state, shall be commissioners to execute this act and the act hereby amended.

Corporation may become a petitioning creditor.

XIV. *And be it further enacted*, That a corporation may become a petitioning creditor under this act and the act hereby amended, and the petition may be signed by the president, or any director authorised by the said corporation, under their common seal, and the affidavit, required by said acts, may be made by the person so sub-

scribing the petition, and an affidavit, of the same purport as the affidavit required by said acts, to be made by an individual.

CHAP. LVI.

AN ACT for the relief of Samuel De Forest.

Passed February 28, 1817.

WHEREAS it hath been made to appear to the legislature, that Elijah Taylor, collector of taxes for the town of Ballston, in the county of Saratoga, is now confined in the gaol of said county for debt; and that in consequence of his commitment he hath left a portion of the taxes of last year uncollected: *And whereas* the said Samuel De Forest, being the surety for the faithful performance of the duties of the said collector, hath prayed the legislature to be authorised, in the room of the said collector, to collect the taxes so remaining uncollected, and to have the time for collection extended—
Therefore,

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the time for the collection of the tax, of the year one thousand eight hundred and sixteen, for the said town of Ballston, be and the same is hereby extended to the first day of June next; and that the said Samuel De Forest be and he is hereby authorised to collect the said tax, from any individual or individuals, in the town of Ballston aforesaid, who shall appear to remain in arrear for the same, or any part thereof; and that he have the like powers, in enforcing the collection thereof, in all respects, as the said collector had or was invested with, during the time prescribed by law for the collection of the said taxes.

CHAP. LVII.

AN ACT to amend an act, entitled "an act for the inspection of lumber," passed March 27, 1807.

Passed February 28, 1817.

I. Be it enacted by the people of the State of New-York, represented in senate and assembly, That no cypress shingles shall be exported, hereafter, out of this state, to any foreign market, but such as shall be inspected by one of the inspectors of lumber, nor unless they shall be at least twenty-two inches in length, three inches and one half of an inch in breadth, and three eights of an inch thick: *And further,* If any person or persons shall ship on board of any ship or vessel, for exportation to any foreign market, any cypress shingles which have not been inspected by one of the said inspectors, every such person shall forfeit and pay for every thousand cypress shingles, so taken on board, the sum of two dollars, to be recovered, with costs of suit, in any court having cognizance thereof, the one

Cypress shingles to be inspected.

Penalty for neglect.

half to the use of the poor of the city or town in which such suit may be commenced, and the other half to the prosecutor.

Fees,

II. *And be it further enacted*, That the said inspector shall be entitled to receive for every thousand cypress shingles, which may be inspected by him, the sum of eighteen cents, the one half to be paid by the purchaser, and the other half by the seller.

Fees.

III. *And be it further enacted*, That no further or greater fees shall be taken by, or allowed to, any inspector of lumber, for the inspection of any raft timber, which may be measured and inspected while lying in the water, than the sum of twenty-five cents for every hundred feet, cubic measure, and twelve and one half cents for each hundred feet of sawed timber, when measured only, any law, usage or custom to the contrary notwithstanding.

CHAP. LVIII.

AN ACT for the relief of William Bowen and Ephraim Bowen.

Passed February 28, 1817.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall be the duty of the comptroller, on receiving from William Bowen and Ephraim Bowen, of the town of Providence, in the state of Rhode-Island, the amount due on a certain bond and mortgage executed by Benjamin Bowen, of the town of Newport, in the county of Herkimer, to the people of the state of New-York, dated the fourth day of January, in the year of our Lord one thousand eight hundred and fifteen, conditioned to pay to the said people the sum of five thousand dollars, which said mortgage is given upon lot number fifty-one in the second allotment of the Royal Grant, lying in the town of Newport and county of Herkimer aforesaid, to assign the said bond and mortgage to the said William Bowen and Ephraim Bowen, to their own proper use and benefit; and that thereupon the said William Bowen and Ephraim Bowen, shall be possessed of all the right, title, interest, property, claim and demand, which the people of the state of New-York have in and to the same, and shall be entitled to have, use and take all lawful ways and means, in their own names, for the collection of the money due thereon, which the people of the state of New-York now have or may have for the collection of the same.

CHAP. LIX.

AN ACT concerning the fire department of the city of New-York.

Passed February 28, 1817.

Firemen
members of
fire depart-
ment.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That all persons who now are, or hereafter may be, appointed firemen by the mayor, aldermen and commonalty of the city of New-York, in common council convened, shall, while they continue such firemen, be, and they are hereby de-

clared to be, members of the fire department of the city of New-York.

II. *And be it further enacted*, That the fines and penalties imposed by so much of the law, passed the 9th of April, 1813, entitled "an act to reduce several laws, relating particularly to the city of New-York, into one act," as relates to the more effectual prevention of fires, shall and may be recovered with costs of suit, in any court of record within this state, by the fire department of the city of New-York, for their own use.

Fines how recovered.

III. *And be it further enacted*, That any fireman of the city of New-York, who shall, while in the performance of his duty as such, so maim or injure himself as to render him thereafter unable to perform the said duties of a fireman, or who shall have so maimed himself since the fifth day of May last, shall be and hereby is entitled to the benefit of the law, passed the 12th April, 1816, entitled "an act granting privileges to the firemen of the city of New-York," and fixing the time of their service: *Provided however*, that he shall not receive the certificate granting him the privileges of that act, until the expiration of the time he would have been compelled to serve, if he had not been so maimed or injured, in order to obtain such certificate.

Firemen maimed on duty, how provided for.

Provid.

IV. *And be it further enacted*, That when any doubt exists, in the mind of the chief engineer, as to the claim of any fireman to the privileges of the foregoing section, it shall be his business to examine into such claim, and his decision shall be final.

Chief engineer to decide claims.

CHAP. LX.

AN ACT to amend an act, entitled "an act authorising the arrest of ships or vessels for debts contracted by the master, owner or consignee, for and on account of such ships or vessels in this state," passed August 10, 1798.

Passed February 28, 1817.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That the provisions of the act, entitled "an act authorising the arrest of ships or vessels for debts contracted by the master, owner or consignee, for and on account of such ships or vessels in this state," be and the same are hereby extended to ships and vessels owned by persons resident within this state: *Provided always*, That in case of the arrest of any ship or vessel, by virtue of the said recited act, and bond given pursuant to the fourth section thereof, the lien created by the said act, on such ship or vessel, shall immediately cease: *And provided also*, That the said lien shall in no case endure beyond twelve days after such ship or vessel shall leave the port in which the same may have been so arrested.

II. *And be it further enacted*, That the justices court of the city of New-York, shall have jurisdiction and cognizance of the matters contained in this act and the act hereby amended.

CHAP. LXI.

AN ACT for the relief of the Eagle manufacturing company,

Passed February 28, 1817.

Preamble.

WHEREAS John G. Coster, George Richards, Najah Taylor, Andrew Ogden, Thomas C. Butler, David G. Gillies, Lemuel Wells and divers other persons, have, by their petition, represented to the legislature, that on the twenty-sixth day of April, one thousand eight hundred and thirteen, in pursuance of an act, entitled "an act relative to incorporations for manufacturing purposes," passed the twenty-second March, 1811, they formed themselves into a company for the purpose of manufacturing cotton, woollen and linen goods, within the city and county of New-York, under the corporate name of "The eagle manufacturing company," and did, according to the provisions of the said act, cause a certificate to be filed in the office of the secretary of this state: *And whereas* the trustees of the said company have procured a title to real estate at Greenwich, within the city and county of New-York, and have caused to be erected an extensive building, in which to carry on the manufactory, and expended a large sum of money towards the object of their incorporation, but having neglected to make provision by by-laws for the election of directors for the second year, have ceased, as a corporate body, to exist, and have prayed relief in the premises—Therefore,

Charter to continue 20 years.

Directors.

BE it enacted by the People of the state of New-York, represented in Senate and Assembly, That the said John G. Coster, George Richards, Najah Taylor, Andrew Ogden, Thomas C. Butler, David G. Gillies, Lemuel Wells, and others, their associates, shall and may still continue as a body corporate, by the name of the eagle manufacturing company, and by that name shall continue to exist for the term of twenty years from the said twenty-sixth day of April, 1813, and shall henceforth be invested with all the rights and privileges which they could have enjoyed under the before mentioned act, passed the twenty-second day of March, one thousand eight hundred and eleven, had they provided, by by-laws, for the election of directors of the said company; that the said John G. Coster, George Richards, Najah Taylor, Andrew Ogden, Thomas C. Butler, David G. Gillies, and Lemuel Wells, shall be directors of the said company, until the twenty-sixth day of April, one thousand eight hundred and seventeen, or until others shall be elected in their stead.

CHAP. LXII.

AN ACT for dividing the town of Constable, in the county of Franklin.

Passed February 28, 1817.

I. BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That from and after the passing of

By this act, all that part of the town of Constable, in the county of Franklin, beginning at the north-west corner of lot number three, in town number two, so called, within the said town of Constable; from thence southerly on the west line of said number three, seven; eleven and sixteen, and on the same course until it intersect the south line of said town of Constable, and lying west thereof, be and the same is erected into a separate town by the name of Fort Covington; the first town meeting shall be held at the house of Joseph Skinner, in said town; and that all the remaining part of the said town, remain a separate town by the name of Constable, and that their first town meeting be held at the house of Freeman Bell, in said town.

Fort Covington erected

II. And be it further enacted, That as soon as may be, after the first Tuesday in April next, the supervisors, overseers of the poor and commissioners of common schools, of said towns, upon notice previously to be given by the supervisors for that purpose, shall meet and divide the poor and money belonging to the said town of Constable previous to the division thereof, agreeably to the last tax list, and that each of the said towns shall forever thereafter respectively support their poor.

Poor and money to be divided

CHAP. LXIII,

AN ACT to incorporate the Niagara and Chautauque turnpike and bridge company.

Passed February 28, 1817.

I. BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That Zattu Cushing, Jonathan Sprague, Henry Abel, John E. Howard, Nathaniel Bird, David Eaton, Robert Dickson, John Mark, Ozias Hart, John French, David Royce, Richard Williams, Zevas Barker, Ebenezer Goodrich, Daniel Camp, Jonas Harrison, John G. Camp and Charles Townsend, and such other persons as shall associate for the purpose of making a good and sufficient turnpike road, to begin at the village of Buffalo, in the county of Niagara, and running from thence to Cattaraugus creek, on such route, so as to combine the advantage of distance with the fitness of the ground and scite for the bridges and travel, crossing the said Cattaraugus creek, as near the mouth as may be, in reference to fitness of the ground and straightness of the road, to the village of Canadaway; from thence on the best ground and most direct course to the cross roads, in the town of Portland and from thence on the best ground and most direct course to the easterly line of Pennsylvania, at or near the house of Samuel Trueedale, with the privilege of erecting three toll bridges, viz: one across the Buffalo creek, one across the Cattaraugus creek, and one across the Eighteen mile creek, be and they are hereby created a body corporate and politic, by the name of "the president directors and company of the Niagara and Chautauque turnpike and bridge company," and by that name they and their successors shall have perpetual succession, and shall be and are hereby made capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places whatsoever, and shall

Associates

Route of the road.

Style of the company.

Their power

	make and use a common seal, and alter the same at pleasure; and they are hereby made capable in law of purchasing and holding any estate, real or personal, for the benefit of said company: <i>Provided</i> , that such real and personal estate, so to be purchased and held, shall be such only as shall be necessary to fulfil the end and intent of the said corporation.
Proviso.	
Amount of stock.	II. <i>And be it further enacted</i> , That the stock of the said company hereby incorporated, shall consist of four thousand shares, of fifty dollars each, and that Jonathan Sprague, Henry Abel, Nathaniel Bird, Daniel Camp and Jonas Harrison, be and are hereby appointed commissioners to receive subscriptions for said stock, in the manner described in and by the act, entitled "an act relative to turnpike companies," passed the 10th of April, 1813.
Commissioners to receive subscriptions	
	III. <i>And be it further enacted</i> , That the said company hereby incorporated, shall be entitled to exact and receive of and from every person travelling on or using said road, at the gates or turnpikes to be erected thereon, for any number of miles not less than ten, the following sums of money, and so in proportion for a greater or less distance on the said road from the village of Buffalo to Cattaraugus creek, or to the distance of thirty miles, provided the said Cattaraugus creek should not be thirty miles from the village of Buffalo: for every waggon, cart or other wheeled carriage, drawn by two horses, mules or oxen, eighteen and three quarter cents, for every additional horse, ox or mule four and an half cents; for every coach, coachee, phaeton or curricule, with two horses, thirty-seven and an half cents; for every additional horse four and an half cents; for every sulkey, chair, chaise or one horse pleasure carriage, eighteen and three quarter cents; every one horse waggon, nine cents; for every horse rode, led or driven six cents; for every sleigh or sled, drawn by two horses, mules or oxen, nine cents, and for every additional horse, mule or ox, three cents; for every sleigh or sled drawn by one horse, mule or ox, six cents; for every score of horses, mules or cattle, thirty cents, and in like proportion for a greater or less number; for every score of sheep or hogs, twelve and an half cents, and in like proportion for a greater or less number: and the remaining distance to the aforesaid Pennsylvania state line, shall be entitled to exact and receive from every person travelling on or using the said road, at the gates or turnpikes to be erected thereon, for any number of miles not less than ten, the following sums of money, and so in proportion for a greater or less distance: for every cart, waggon or other wheeled carriage, drawn by two horses, mules or oxen, twelve and an half cents; for every additional horse, mule or ox, three cents; for every coach, coachee, phaeton or curricule, with two horses, twenty-five cents; for every additional horse, three cents; for every sulkey, chair, chaise or other one horse pleasure carriage, twelve and an half cents; every one horse waggon, six cents; every horse rode, led or driven, four cents; for every sleigh or sled, drawn by two horses, mules or oxen, six cents, and for every other additional horse, mule or ox, two cents; for every sleigh or sled, drawn by one horse, mule or ox, four cents; for every score of horses, mules or cattle, twenty cents; and in like proportion for a greater or less number;
Tolls.	

for every score of sheep or hogs, eight cents; and in like proportion for a greater or less number.

IV. *And be it further enacted*, That the company hereby incorporated are hereby authorised to erect three toll-bridges, over the following creeks, viz: one over the Buffalo creek, one over the Eighteen mile creek, and one over the Cattaraugus creek, where the said turnpike road intersects the said creeks, with the privilege of exacting and receiving tolls, in every respect, and of the same amount, as they are by this act authorised to exact and receive for ten miles travel on the said last mentioned part of the said turnpike road.

Bridges

Tolls

V. *And be it further enacted*, That the said bridges shall be built at least twenty feet in width, and well covered with plank not less than three inches in thickness: the sides of said bridges to be secured with good and substantial railings, and so constructed as not to obstruct the navigation of said creeks.

Bridges, how constructed.

VI. *And be it further enacted*, That the time of completing the said turnpike road, shall be five years from the passing of this act.

Road to be completed in five years.

VII. *And be it further enacted*, That all such parts of the said turnpike road, which shall be made and completed at the end of five years from the passing of this act, the said company shall continue to hold and enjoy, and all the rights, privileges and immunities in and to the same, as if the whole had been made and completed, any law to the contrary notwithstanding: *Provided*, that the east part of the said turnpike shall be first made.

Company to hold such parts as are completed in five years.

VIII. *And be it further enacted*, That the corporation hereby created shall have and enjoy all the rights and privileges, powers and immunities, which are given and granted in and by the aforesaid act, entitled "an act relative to turnpike companies," and shall be subject to all the conditions, provisions and regulations contained in the said act, except so far as is otherwise herein provided and enacted.

Rights.

IX. *And be it further enacted*, That Elijah Leach, William Hodge and Simeon Filmore, or any two of them, be and they are hereby appointed commissioners to lay out and establish that part of the said road in the county of Chautauque; and Ebenezer Johnson, Robert Montgomery and James M'Mahon, or any two of them, be and they are hereby appointed commissioners to lay out that part of the said road that lies in the counties of Cattaraugus and Niagara.

Commissioners to lay out the road in Chautauque.

In Cattaraugus and Niagara.

X. *And be it further enacted*, That it shall not be lawful for any person or persons to erect a bridge or establish a ferry, across the said Cattaraugus creek, or the Eighteen mile creek, within one mile of the aforesaid bridges, when built, and whilst the same shall be kept in repair by the said company, during the continuance of the corporation hereby created: *Provided*, That nothing herein contained, shall be construed to prevent the legislature, at any time, after fifteen years from the passing of this act, to alter and amend the same.

No bridge or ferry to be established within one mile.

CHAP. LXIV.

AN ACT for the encouragement of manufactures within this state.

Passed February 28, 1817.

BE it enacted by the people of the State of New-York, represented in senate and assembly, That from and after the passing of this act, all the buildings, machinery and the manufactured articles in the hands of the manufacturer, of every cotton, woollen or linen manufactory erected within this state, or hereafter to be erected, shall be exempted from taxation within this state; and that all manufacturers employed in any cotton, woollen or linen manufactory, shall be and hereby are exempted from all militia duty, except in cases of invasion or insurrection, or when the country shall be in danger of invasion, and from serving as jurors, in all suits to be brought for the recovery of debts to the value of twenty-five dollars or under.

CHAP. LXV,

AN ACT to incorporate the Long-Island turnpike company,

Passed February 28, 1817.

Associates.

Route.

Proviso.

Style.

Powers.

Proviso.

Road to be
thirty-two
feet wide.

I. BE it enacted by the people of the state of New-York, represented in senate and assembly, That Jonathan Thompson, John Lefferts, Henry O. Seaman, Richard Udall, Nathaniel Conklin, and John T. Champlin, and all such other persons as shall associate with them, to make a good and sufficient turnpike road, to begin at the termination of the Hempstead turnpike road, or in the street opposite and south of the Episcopal church in the town of Hempstead, and extend, in the first instance, to the house now or lately occupied by Isaiah Jarvis, in Huntington south, in the county of Suffolk, with the privilege of extending the same turnpike road to Sag-Harbor, in the county of Suffolk, or any part thereof: *Provided,* such extension shall be made within six years from the passing of this act, shall be, and hereby are, created a body corporate and politic, in fact and in name, by the name and style of "the president, directors and company of the Long-Island turnpike road," and by that name they and their successors shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters and causes whatsoever; and by the same name and style, shall be in law capable of purchasing, holding and conveying any estate, real and personal, for the use of the said corporation: *Provided,* That such estate, so to be purchased and held, shall be necessary to fulfil the objects of the said corporation, and to no other purpose whatsoever.

II. And be it further enacted, That the bedding of the said road shall not be less in breadth than thirty-two feet: *And further,* That

the road or street, through the town of Hempstead, in the county of Queens; shall not be turpiked, but kept in good repair.

III. *And be it further enacted*, That the stock of the said company shall, in the first place, consist of twelve hundred shares, of twenty-five dollars each; and that Jonathan Thompson, John Leferts, Henry O. Seaman, Richard Udall, Nathaniel Conklin and John T. Champlin, shall be, and are hereby appointed, commissioners to receive subscriptions for the said stock, in the manner directed in and by the act, entitled "an act relative to turnpike companies," passed March 13, 1807.

Stock:

Commissioners to open subscription books.

IV. *And be it further enacted*, That whenever a majority of the stockholders shall determine to extend the said turnpike road, additional shares may be declared by the directors, and books of subscription, for the additional shares, may be opened by the said directors: *Provided, nevertheless*, That the whole number of shares shall in no case exceed three thousand five hundred.

Additional shares. The road to be extended. Limitation.

V. *And be it further enacted*, That the before mentioned Jonathan Thompson, John Leferts, Henry O. Seaman, Richard Udall, Nathaniel Conklin, and John T. Champlin, shall be, and hereby are, appointed commissioners to lay out the road directed in and by this act, subject to the directions, regulations and restrictions, in all respects, as are prescribed and contained in and by the aforesaid act, entitled "an act relative to turnpike companies," herein before referred to, and to execute and perform all the duties, matters and things, therein mentioned, as fully as if the above named commissioners had been appointed in the manner directed in and by the act herein before referred to.

Commissioners to lay out road.

VI. *And be it further enacted*, That in case of the death of either of the above named commissioners, or in case of any vacancy in the said board of commissioners, the judges of the court of common pleas, in the county of Suffolk, or any three of them, are hereby authorised to supply and fill such vacancy, upon application being made to them, for that purpose, by either of the above named commissioners.

Vacancies how filled.

VII. *And be it further enacted*, That the company hereby incorporated, shall be entitled to exact and receive, at each gate to be erected on the said road, from every person using the same, for any number of miles, not exceeding ten in length, of the said road, the following sums of money, and so in proportion for any less distance, that is to say: For every score of sheep or hogs, eight cents; for every score of cattle, horses or mules, ten cents, and so in proportion for a greater or less number; for every horse or mule and rider, or led horse or mule, four cents; for every chair, chaise, gig or sulkey, drawn by one horse, ten cents, and for every additional horse, five cents; for every coach, coachee, chariot, phaeton or curricule, drawn by two horses, twenty-five cents, and for every additional horse, five cents; for every cart, stage waggon, or other four wheel waggon or carriage, not before mentioned, drawn by two horses, mules or oxen, eight cents, and for every additional horse, mule or ox, three cents; and for every cart, waggon, sleigh or sled, drawn by one horse or mule, four cents; for every sleigh or sled, drawn by two horses, mules or oxen, six cents, and for every additional horse, mule or ox, two cents: *Provided always, nevertheless*, That

Tolls:

That the president and directors of the said company may commute with any person or persons, for the privileges of using the said road, by the year or for any less time: *Provided also*, That no gate shall be erected within one mile of the said church, in the said town of Hempstead.

Penalties.

How recovered.

VIII. *And be it further enacted*, That if any person shall pass either of the said gates, on the said road, without paying toll, upon pretence of being exempted therefrom, under the act before referred to, every person so offending shall, for every such offence, forfeit and pay, to the aforesaid company, ten dollars, to be recovered, in an action of debt, by the treasurer of said company, in his own name, in any court having cognizance thereof; and if any person, who shall pass either of the said gates, shall refuse to inform the collector of tolls of the distance he or she has travelled on the said road, every person so offending shall forfeit, for each offence, to the said company, five dollars, to be recovered in an action of debt, by the treasurer, in his own name, in any court having cognizance thereof.

If the capital should prove deficient stock may be increased five dollars on each share.

IX. *And be it further enacted*, That if after the first twelve hundred shares shall have been appropriated by the president and directors of the said company, and if after the additional number of shares, created on the extension of the said road, shall have been appropriated by the president and directors of the said company, in the making and completing of the said road, and the gates and the toll-houses on the same, in either case, and the sum so appropriated shall be found inadequate to the aforesaid objects, then, and in such case, it shall and may be lawful for the president and directors of the said company, in order to complete the said road, to increase the stock of the said company, and call upon the stockholders to pay a further sum, to be appropriated in an equal ratio, not exceeding five dollars upon each and every share of the said stock.

Rights.

X. *And be it further enacted*, That the company, hereby incorporated, shall have and enjoy all the rights, privileges, powers and immunities, which are given and granted in and by the act, entitled "an act relative to turnpike companies," passed April 10, 1813, and March 13, 1807, and shall be subject to all the conditions, restrictions, provisions and regulations, contained in the same, saving and excepting where the same are contrary to the provisions of this act.

CHAP. LXVI.

AN ACT to divide the town of Schroon into two towns.

Passed March 7, 1817.

I. *BE it enacted by the people of the state of New-York, represented in senate and assembly*, That all that part of the town of Schroon, in the county of Essex, beginning at a point on the south line of the county of Essex, six miles west of the western shores of Schroon lake; from thence northwardly parallel with the west line of said county, to the north line of the town of Schroon; thence westerly on the north line of the town of Schroon, to the north west cor-

ter of said town; from thence southerly, on the west line of the said county, to the southwest corner of the same; thence on the south line of the county of Essex, to the place of beginning, shall be, and is hereby, erected into a separate town by the name of Minerva, and that the first town meeting be held at the dwelling house of Nathan West; and that the first town meeting be held at the school house in school district number four, in said town of Schroom.

Town of Minerva created.

II. *And be it further enacted*, That as soon as may be after the first town meeting, the supervisors and overseers of the poor, of the said towns respectively, on notice being given for that purpose, shall meet together and divide the money and poor belonging to the said towns of Schroom and Minerva, previous to the division thereof; agreeably to the last tax list, and that each of the said towns shall forever thereafter respectively maintain and support their own poor.

Poor & money to be divided.

CHAP. LXVII.

AN ACT to appoint commissioners to lay out a road from the town of Essex to the town of Jay, in the county of Essex.

Passed March 7, 1817.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That David M'Niel, Thomas Stower and Isaac Finch, or any two of them, be and they are hereby appointed commissioners to lay out a public highway, of the width of four rods, from or near the dwelling house of Josephus Merriam, in the town of Essex; thence by the nearest and most practicable route, to the dwelling house of Thomas Sheldon, in the town of Essex; thence by the most practicable route, through the town of Lewis, to the inn of Isaac Finch, in the town of Jay; and thence westerly, by the most practicable route, so as to intersect the road running from Westport to Hopkinton, at or near the thirty-one mile tree.

Commissioners.

Route

II. *And be it further enacted*, That the said commissioners, before they enter upon the duties aforesaid, shall take and subscribe an oath, before a justice of the peace, to lay out said road without favor or partiality; and they shall, after laying out said road, cause to be made an accurate map of the survey of the said road, and cause the same, with the field notes of the survey, to be filed in the clerk's office of the county of Essex; and shall also cause a like map and field notes, of so much of said road as shall fall within each town through which said road shall run, to be filed in the clerks' offices of such towns respectively; and if the said road shall be laid through any improved lands, the damages shall be appraised and paid, and the road opened and improved, in the manner prescribed by the act to regulate highways; and the commissioners, and their surveyors, shall be allowed each two dollars per day for each day they shall be necessarily employed in the duties aforesaid, and such reasonable sum for contingent expenses as the supervisors shall direct.

Oath to be taken.

Map to be made.

III. *And be it further enacted*, That the supervisors of the county of Essex shall audit the accounts of the said commissioners, and cause the same to be assessed, collected and paid, as part of the contingent expenses of said county.

Expenses how paid.

CHAP. LXVIII.

AN ACT for the relief of James Rose.

Passed March 7, 1817.

WHEREAS the commissioners of the land office, by virtue of an act of the legislature, passed the 19th day of June, 1812, have issued letters patent to James Rose, for two hundred acres of land, in a tract set apart for the use of the troops of the line of this state, serving in the army of the United States, in the revolutionary war, for and during the natural life of the said James Rose, and at his death, to the children of the said James, as tenants in common: *And whereas* the said James, by his petition, represents that himself and wife are aged and infirm, and destitute of property, and unable to maintain themselves and family, unless he is permitted to sell or dispose of said land, and that they will be subject to great hardship and loss: Therefore,

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That William Burnett and Michael Musselman, are hereby authorised and empowered, in conjunction with the said James Rose, to sell the said land, and to grant and convey the same, in fee simple, to the purchaser or purchasers thereof, and apply the proceeds thereof to the purchase of other lands, which are improved and productive; the conveyance shall be to the said James Rose and his wife for life, and after their death to their said children, as tenants in common, their heirs and assigns forever.

CHAP. LXIX.

AN ACT supplementary to an act, entitled "an act concerning deeds."

Passed March 8, 1817.

I. *BE it enacted by the people of the state of New-York, represented in senate and assembly,* That every deed, conveyance or writing, of or concerning any lands, tenements or real estate, within this state, heretofore made, or hereafter to be made, by any person or persons without the United States, may be acknowledged by the party or parties executing the same, or proved by one or more of the subscribing witnesses thereto, in manner and form as is prescribed in the first section of the act, entitled "an act concerning deeds," passed April 12th, 1813, before any person specially authorised to take such acknowledgment or proof, by the court of chancery of this state, and that the acknowledgment or proof of such deed, conveyance or writing, taken by such person, in manner and form aforesaid, shall be of the like force and validity, and entitle the same to be recorded, as if the same were taken before a judge of the supreme court of this state.

II. *And be it further enacted,* That every deed, conveyance or writing, of or concerning any lands, tenements or real estate, without this state, heretofore made, or hereafter to be made, acknowledged or proved, in manner and form as is prescribed in the first

Deeds executed out of the U. S. how to be acknowledged.

section of this act, or in the first section of the act, entitled "an act concerning deeds," passed April 12, 1813, for taking the acknowledgment or proof of a deed, conveyance or writing, of or concerning any lands, tenements or real estate within this state, may be read in evidence, in any court within this state, without further proof thereof, in the same manner as it might be read, were it of or concerning any lands, tenements or real estate within this state.

May be read in evidence.

III: *And be it further enacted*, That the court of chancery of this state, is hereby empowered to grant a writ of didimus potestatem, under the seal of the said court, to any proper and discreet person or persons of good fame and credit, residing in the country where the said deeds, conveyances or writings, may have been, or may hereafter be executed, or in the country where the subscribing witness or witnesses to the same reside, giving power to any one of them to take such acknowledgment or proof, in manner or form aforesaid.

Didimus potestatem may be issued.

IV. *And be it further enacted*, That all acknowledgments and proofs of any deeds, conveyances or writings, heretofore made or hereafter to be made, by British subjects actually residing within the United Kingdom of Great Britain and Ireland, or the dominions thereunto belonging, to any citizen or citizens of the United States, of or concerning any lands or real estate, within this state, taken or made, or hereafter to be taken or made, before the mayor or chief magistrate of the city of Dublin, or the provost or chief magistrate of the city of Edinburgh, and duly certified under the hand and seal of office of the said mayor, provost or chief magistrate, shall be of the like force and validity, and entitle the same to be recorded, in like manner as if the same were taken before a judge of the supreme court of this state.

Deeds acknowledged before the mayor of Dublin and provost of Edinburgh valid.

And whereas doubts have been suggested, whether the several commissioners appointed to perform certain duties of a judge of the supreme court, and the recorder of the city of Troy, have authority to take acknowledgments and proofs of deeds: Therefore,

V. *Be it further enacted*, That each and every acknowledgment or proof of any deed, conveyance or writing, of and concerning any lands, tenements or real estate within this state, which heretofore have been or hereafter may be made by any person or persons, before either of the said commissioners, or the aforesaid recorder, such acknowledgment or proof being made, taken and certified in the manner prescribed by the act, entitled "an act concerning deeds," shall be of the like force and validity, to all intents and purposes, and entitle the same to be recorded or registered, in like manner as though the same were taken or made before a judge of the supreme court of this state.

Deeds acknowledged before the recorder of Troy, &c. valid.

CHAP. LXX.

AN ACT to confirm certain proceedings of the *Johnstown turnpike company*.

Passed Marh 10, 1817.

WHEREAS the president and directors of the *Johnstown turnpike company*, by their petition to the legislature, have set forth,

that for want of information of the provisions of the general law respecting turnpike companies, the inspectors of the election of the said company were not chosen by the stockholders at the time prescribed by law, and that therefore the validity of the election of directors of the said company, held on the first day of the present month as well as the next succeeding election, may be questioned; for remedy whereof—

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly,* That the election of directors of the Johnstown turnpike company, held on the first day of the present month, be and the same is hereby declared to be valid in law, as if the same election had been held by inspectors chosen by the stockholders at the last preceding election.

II. *And be it further enacted,* That it shall and may be lawful for the stockholders of the said company, at their next annual meeting, to choose inspectors of the election of directors, and that such election shall be as valid, as if the inspectors had been chosen at the last preceding meeting of the said stockholders.

CHAP. LXXI.

AN ACT to change the name of Henry Schoonmaker Wilkes.

Passed March 10, 1817.

WHEREAS Henry Schoonmaker Wilkes, hath by his petition represented, that he has from his childhood lived with his uncle, Henry Schoonmaker, who having no child, has adopted and has expressed an intention of giving the petitioner a considerable portion of his estate, but is desirous that the name of the petitioner should be changed: Therefore,

Be it enacted by the people of the state of New-York, represented in senate and assembly, That the name of the said Henry Schoonmaker Wilkes shall be, and the same is hereby, changed to the name of Henry Y. Schoonmaker, by which name he shall henceforth be called and known, in all cases whatsoever.

CHAP. LXXII.

AN ACT for the relief of Sarah Schenck.

Passed March 10, 1817.

WHEREAS Sarah Schenck, the widow of Peter T. Schenck, late of the town of Bushwick, in the county of Kings, hath by her petition to the legislature, represented, that in consequence of the formation and structure of the road and bridges of the Williamsburgh turnpike road and bridge company, the navigation to her mill and dock, situated in the said town of Bushwick, at the junction of two certain branches of the New-Town creek, has been greatly interrupted, and at times rendered tedious, as well as difficult, and hath requested that she may be authorized by law to remove her

said mill, dock and the other necessary buildings, from their present situation to the northerly side of the easternmost bridge of the aforesaid turnpike road and bridge company: *And whereas* it appears reasonable to grant such request: Therefore,

I. BE it enacted by the people of the state of New-York, represented in senate and assembly, That it shall be lawful for the said Sarah Schenck, and her heirs and assigns, at any convenient time hereafter, to remove her said mill, dock and all other necessary buildings, from their present situation to the northerly side of the easternmost bridge of the Williamsburgh turnpike road and bridge company.

II. And be it further enacted, That that part of the New-Town creek aforesaid, and lying between the said mill and dock and a line one hundred and fifty feet north of the aforesaid easternmost bridge, and parallel therewith, shall be annexed to and considered as part of the mill ponds of the said Sarah Schenck, and to be and remain so far only as shall be necessary for the establishment of such mill and dock, for the only purpose, use, benefit and behoof of the said Sarah Schenck, her heirs and assigns forever: *Provided,* That the said Sarah Schenck, her heirs and assigns, shall indemnify the adjoining owners of land for any damage they may sustain by reason of the erecting a dam across such creek.

CHAP. LXXIII.

AN ACT to incorporate the Block-house and Port Glasgow turnpike company.

Passed March 10, 1817.

I. BE it enacted by the people of the state of New-York, represented in senate and assembly, That Wilhelmus Mynderse, Frederick A. De Zeng, Oliver Whitmore, Norman Sheldon, and all such other persons as shall associate for the purpose of making a turnpike road, to begin on the north bank of the Canandaigua outlet, opposite to Lauraville, and running thence to Port Glasgow, on the eastern shore of Sodus bay, in the county of Cayuga, and their successors, be and they are hereby created, a body corporate and politic, by the name of "the president, directors and company of the block house and Port Glasgow turnpike company;" and they are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name; and by that name they and their successors shall and may have continual succession, and shall be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions and complaints, matters and causes, and by the same name and style shall be in law capable of purchasing, holding and conveying any estate, real, personal and mixed, for the use of the said corporation: *Provided,* That such estate, as well real as personal, so to be purchased and held, shall be such only as shall be necessary to fulfil the end and intent of the said corporation, and for no other purpose whatever.

II. And be it further enacted, That the stock of the said company

Stock.

hereby incorporated, shall consist of one thousand shares, of twenty dollars each, and that Wilhelmus Mynderse, George Goundry, James Dixon and Norman Sheldon, be and they are appointed commissioners to receive subscriptions for said stock, in the manner directed by the act, entitled "an act relative to turnpike companies," passed March 13, 1807.

Tolls.

III. *And be it further enacted*, That the said company hereby incorporated, shall be entitled to exact and receive at the gate to be erected on said road, the following sums of money from all persons travelling or using the same, to wit : for every score of hogs or sheep, three cents ; for every score of cattle, horses or mules, six cents ; for every chair, sulkey or chaise, with one horse, twelve and an half cents ; for every horse rode, led or driven, four cents ; for every chariot, coach, coachee, phaeton, pleasure waggon or pleasure carriage, drawn by two horses, twenty-five cents ; for every additional horse six cents ; for every cart drawn by one horse, six cents ; for every stage waggon or other four wheeled carriage, drawn by two horses, mules or oxen, twelve and an half cents ; for every additional horse, mule or ox, three cents ; for every cart drawn by two oxen, eight cents, and for every additional yoke of oxen, or pair of horses or mules, three cents ; for every sled travelling said road from the fifteenth day of December to the fifteenth day of March in each year, one half of the tolls herein demanded for carriages for the transportation of burthens.

Privileges.

IV. *And be it further enacted*, That the said company, hereby incorporated, shall have and enjoy all the rights, privileges, powers and immunities, which are given and granted in and by the aforesaid act, entitled "an act relative to turnpike companies," and the acts amending the same, and shall be subject to all the conditions, restrictions and regulations, contained in the said general act.

CHAP. LXXIV.

AN ACT relative to the election of a governor and lieutenant-governor.

Passed March 10, 1817.

WHEREAS his excellency Daniel D. Tompkins has resigned the office of governor of this state, whereby, under the provisions of the constitution, the seat of government has become vacant, and a governor and lieutenant governor are to be elected at the next election—Therefore,

BE it enacted by the people of the state of New-York, represented in senate and assembly, That at the next anniversary election, on the last Tuesday of April next, a governor and lieutenant governor shall be chosen in the manner and according to the provisions of the act, entitled "an act for regulating elections," and the votes given at such election shall be canvassed and estimated, calculated and ascertained, agreeably to the directions of the said act ; and the clerk of the senate shall immediately give notice of such election, in the manner prescribed in and by the third section of the said act ; and the

Inspectors of election in the several towns and wards of this state, shall give notice of such election in the manner prescribed in the fourth section of the said act.

CHAP. LXXV.

AN ACT authorising the mayor, aldermen and commonalty of the city of New-York to take possession of certain lands.

Passed March 14, 1817.

WHEREAS the mayor, aldermen and commonalty of the city of New-York, have represented to the legislature, that the convenience of the said city requires that they should become possessed, in fee simple, of the lands, tenements and hereditaments, in the second ward of the city of New-York, bounded southwesterly by Fulton-street, lately called Beekman's slip, northwesterly by Front-street, northeasterly by Crane-wharf, and southeasterly by a line running northeasterly, in the direction of the northwesterly side of South-street: And also of the wharves and peers fronting the southeasterly side of the above described premises, and contiguous to South-street, together with the right and title to all and all manner of wharfage, cramage, benefits and advantages, growing and arising, or which may accrue by, or from, the same, or by or from that part of South-street, which lies fronting the said first described premises—Therefore,

Preamble.

1. BE it enacted by the People of the state of New-York, represented in Senate and Assembly, That it shall be lawful for the mayor, aldermen and commonalty of the city of New-York, whenever they shall judge proper, to cause application to be made to the supreme court of judicature of this state, or to either of the justices thereof, for the appointment of commissioners for the purpose of performing the duties herein after prescribed; and upon such application it shall be lawful for the said court, or justice, to whom such application shall be made, to nominate and appoint three discreet and disinterested persons, being citizens of the said city, commissioners of estimate, for the purpose of performing the duties herein after prescribed; which said commissioners, before they enter upon the duties of their appointment, shall severally take and subscribe an oath or affirmation, before some person authorised to administer oaths, faithfully to perform the trust and duties required of them by this act; which oath or affirmation shall be filed in the clerk's office of the city of New-York; and it shall be the duty of the said commissioners, as soon as conveniently may be after their appointment, to make a just and true estimate of the loss and damage to the respective owners, lessees, parties and persons, respectively, entitled unto, or interested in, the said lands, tenements, hereditaments and premises, or in the appurtenances, privileges or advantages, to the same belonging or in any wise appertaining, by and in consequence of relinquishing the same to the said mayor, aldermen and commonalty of the city of New-York, and to report thereon to the said supreme court of judicature without unnecessary delay; and in the said report

Commissioners of estimate to be appointed

Oath

Duty

the commissioners, who shall make the same, shall set forth the names of the respective owners, lessees, parties and persons entitled unto, or interested in, the lands, tenements, hereditaments and premises, before mentioned, or in the appurtenances, privileges or advantages to the same belonging or in any wise appertaining, and each and every part and parcel thereof, as far forth as the same shall be ascertained by them; and an apt and sufficient designation or description of the said lots or parcels of land, tenements, hereditaments and premises, or in the appurtenances, privileges or advantages to the same belonging or in any wise appertaining; but in each and every case and cases where the owners and parties interested, or their respective estates and interests, are unknown, or not fully known, to the said commissioners, it shall be sufficient for them to estimate and to set forth and state in their said report, in general terms, the respective sums to be allowed and paid to the owners and proprietors, generally, of such lands, tenements, hereditaments and premises, or in the appurtenances, privileges and advantages to the same belonging or in any wise appertaining, for the loss and damage to such owners, proprietors and parties, interested in respect to the whole estate and interest of whomsoever may be entitled unto, or interested in, the said lands, tenements, hereditaments and premises respectively, or in the appurtenances, privileges or advantages to the same belonging or in any wise appertaining, by and in consequence of relinquishing the same to the said mayor, aldermen and commonalty of the city of New-York, without specifying the names or the estates, or interests, of such owners, proprietors and parties interested, or of any or either of them; and upon the coming in of the said report, signed by the said commissioners, or any two of them, the said court shall, by rule or order, after hearing any matter which may be alledged against the same, either confirm the said report, or refer the same to the same commissioners for revisal and correction, or to new commissioners, to be appointed by the said court, to reconsider the subject matter thereof; and the said commissioners, to whom the said report shall be so referred, shall return the said report corrected and revised, or a new report to be made by them, in the premises, to the said court, without unnecessary delay; and the same, being so returned, shall be confirmed or again referred to the said court, in manner aforesaid, as right and justice shall require, and so from time to time, until a report shall be made or returned in the premises, which the said court shall confirm; and such report, when so confirmed by the said court, shall be final and conclusive, as well upon the said mayor, aldermen and commonalty of the city of New-York, as upon the owners, lessees, and persons and parties interested in, and entitled unto, the lands, tenements, hereditaments and premises, before mentioned, or in the appurtenances, privileges or advantages, to the same belonging or in any wise appertaining, and also upon all other persons whomsoever; and on such final confirmation of such report, by the said court, the mayor, aldermen, and commonalty of the city of New-York, shall become and be seized, in fee simple, absolute, of all the said lands, tenements, hereditaments and premises before mentioned, and of the appurtenances, privileges and advantages to the same belonging or in any wise appertaining; and thereupon the said mayor, aldermen and commonalty, or any person or persons acting under

their authority, may immediately, or at any time or times thereafter, take possession of so much of the same as is now covered with water, and of the residue thereof at any time after the first day of May, in the year eighteen hundred and eighteen: *Provided*, the said report shall be then confirmed; and if it shall not be then confirmed, then as soon thereafter as the same shall be confirmed as aforesaid, or any part or parts thereof, without any suit or proceeding at law for that purpose.

II. *And be it further enacted*, That in all cases where any lot or parcel of land, tenements, hereditaments or other premises, or the appurtenances, privileges or advantages to the same belonging or in any wise appertaining, under lease or other contract, shall be taken by virtue of this act, all the covenants, agreements, contracts and engagements, between landlord and tenant, or any other contracting parties, touching the same, or any part thereof, shall, upon the confirmation of such report in the premises, as shall be confirmed by the court aforesaid, respectively cease and determine, and be absolutely discharged.

Lease land
how to be
taken.

III. *And be it further enacted*, That the said commissioners of estimate, to be appointed under and by virtue of this act, after completing their said estimate, and at least twenty-four days before they make their report to the said court, shall deposit a true copy or transcript of such estimate in the clerk's office of the city of New-York, for the inspection of whomsoever it may concern, and shall give notice, by advertisements, to be published in at least two of the public newspapers printed in the said city of New-York, of the said deposit thereof in the said office, and of the day on which their report will be presented to the said court; and any person and persons, whose rights may be affected thereby, and who shall object to the same, or any part thereof, may, within twenty days after the first publication of the said notice, state his, her or their objections to the same, in writing, to the said commissioners; and the said commissioners, or such of them as shall make such estimate, in case any objections shall be made to the same, and stated in writing as aforesaid, shall reconsider their said estimate, or the part or parts thereof, so objected to; and in case the same shall appear to them to require correction, but not otherwise, they shall and may correct the same accordingly.

Copy of esti-
mate to be
filed.

IV. *And be it further enacted*, That the said mayor, aldermen and commonalty shall, within four months after they shall take possession of the before mentioned lands, tenements, hereditaments and premises, and on or before the first day of September, eighteen hundred and eighteen, provided the said report shall be then confirmed, and if the same shall not be then confirmed, then within four months after it shall be confirmed by the court, pay to the respective persons and parties mentioned or referred to in the said report, in whose favor any sum or sums of money shall be estimated and reported by the said commissioners, the respective sum or sums so estimated and reported in their favor respectively; and in case of neglect or default in the payment of the same, within the time aforesaid, the respective person or persons, or party or parties, in whose favor the same shall be so reported, his, her or their executors, administrators or successors, at any time or times after application first made by him,

Possession
when to be
taken.

her or them, to the said mayor, aldermen and commonalty, in common council convened, for payment thereof, may sue for and recover the same, with lawful interest from and after the said application therefor, and the costs of suit, in proper form of action, against the said mayor, aldermen and commonalty, in any court having cognizance thereof, and in which it shall be sufficient to declare generally, for so much money due to the plaintiff or plaintiffs therein, by virtue of this act, for premises taken by virtue thereof; and it shall be lawful for the plaintiff or plaintiffs to give any special matter in evidence, under such general declaration; and this act and the report of the said commissioners, with proof of the right and title of the plaintiff and plaintiffs, to the sum or sums demanded, shall be conclusive evidence in such suit or action: *Provided, and be it further enacted*, That whenever the owners and proprietors of any such lands, tenements, hereditaments and premises, to be taken by virtue of this act, or of the appurtenances, privileges or advantages to the same belonging or in any wise appertaining, or the party or parties, person or persons, interested therein, or any or either of them, the said owners, proprietors, parties or persons, in whose favor any such sum or sums, or compensation, shall be so reported, shall be under the age of twenty-one years, non compos mentis, feme covert, or absent from the city of New-York; and also in all cases where the name or names of the owner or owners, party or persons, entitled unto, or interested in, any lands, tenements, hereditaments or premises, that may be so taken, or the appurtenances, privileges and advantages to the same belonging or in any wise appertaining, shall not be set forth or mentioned in the said report; or where the said owners, parties or persons respectively, being named therein, cannot, upon diligent enquiry, be found, it shall be lawful for the said mayor, aldermen and commonalty to pay the sum or sums mentioned in the said report, payable, or that would be coming, to such owners, proprietors, parties or persons, respectively, into the said supreme court of judicature, to be secured, disposed of and improved as the said court shall direct; and such payment shall be as valid and effectual, in all respects, as if made to the said owners, proprietors, parties and persons, respectively, themselves, according to their just rights, if they had been known and had all been present, of full age, discreet and compos mentis: *And provided also*, That in all and each and every case and cases, where any such sum or sums, or compensation, so to be reported by the said commissioners, in favor of any person or persons, or party or parties whatsoever, whether named or not named in the said report, shall be paid to any person or persons, or party or parties, whomsoever, when the same shall of right belong, and ought to have been paid, to some other person or persons, or party or parties, it shall be lawful for the said person or persons, or party or parties, to whom the same ought to have been paid, to sue for and recover the same, with lawful interest and costs of suit, from the person or persons, party or parties, to whom the same shall have been paid, as so much money had and received, to the use of the said plaintiff or plaintiffs, by the person or persons, party or parties, respectively, to whom the same shall have been so paid.

Provide:

Provide:

Vacancies to be filled.

V. And be it further enacted, That in case of the death, resignation or refusal to act, of the commissioners of estimate to be ap-

pointed under and by virtue of this act, or either of them, it shall and may be lawful for the court aforesaid, or any one of the justices thereof, on the application of the mayor, aldermen and commonalty of the city of New-York, as often as such event shall happen, to appoint a discreet and disinterested person, being a citizen of the the said city of New-York, in the place and stead of such commissioners so dying, resigning or refusing to act; and that the surviving or acting commissioners, as the case may be, shall have full power to proceed in the execution of the duties of their appointment, until a successor of the commissioner so dying, resigning or refusing to act, shall be appointed.

VI. *And be it further enacted*, That in all and every case of the appointment of commissioners under this act, it shall be competent and lawful for any two of said commissioners so to be appointed, to proceed to and execute and perform the trust and duties of their said appointment, and their acts shall be as valid and effectual as the acts of all the commissioners so to be appointed, if they had acted therein, would have been: *And further*, that in all cases, the acts, proceedings and decisions of a major part of such of the commissioners as shall be acting in the premises, shall be as binding, valid and effectual, as if the said commissioners named and appointed for such purpose had all concurred and joined therein.

Two commissioners may act.

VII. *And be it further enacted*, That the commissioners to be appointed under and by virtue of this act, who shall enter upon the duties of their appointment, shall each be entitled to receive the sum of not more than four dollars, besides all reasonable expenses for maps, surveys, clerk hire and other necessary expenses and disbursements, for each day they shall respectively be actually employed in the duties of their appointment, and the same shall be paid by the mayor, aldermen and commonalty of the city of New-York.

Their pay.

VIII. *And be it further enacted*, That it shall be lawful for the said mayor, aldermen and commonalty, in common council convened, in their discretion, to order and direct the commissioners who may be appointed as aforesaid, to make a just and equitable estimate of the value of the benefit and advantage to the respective owners, lessees, parties and persons respectively entitled unto, or interested in, the lands, tenements, hereditaments and premises which the said commissioners may deem to be benefited by and in consequence of erecting upon the before mentioned and described premises a public market, or by and in consequence of removing the Fly-market, so called, in the said city, and appropriating the ground upon which the same is now situated for a public street, deducting from the amount of such estimate, the amount which the respective owners, lessees, parties and persons, respectively, entitled unto or interested in the lands, tenements and premises, may have been induced to give for the same, subsequently to the twenty-ninth day of March, one thousand eight hundred and sixteen, and prior to the passing of this act, in consequence of the said mayor, aldermen and commonalty having contemplated the erection of a public market upon the premises aforesaid, and the removal of the said Fly-market, and appropriating the ground upon which the same is erected for a public street, over and above what would otherwise have been the value of the same: and it shall thereupon be the duty of the said commissioners to pro-

Value and benefit to be estimated.

ceed accordingly, and to include in the report which they shall make as aforesaid, a statement of the respective owners, lessees, parties and persons, entitled unto or interested in the said lands, tenements, hereditaments and premises, as far forth as the same shall be ascertained by them, and an apt and sufficient designation or description of the said respective lots or parcels of land, tenements, hereditaments and premises, which may be deemed to be benefited as aforesaid, and also the several and respective sums estimated as aforesaid; and that all such sums so to be estimated and reported, shall, upon the said report being confirmed as aforesaid, be a lien or charge on the lands, tenements, hereditaments and premises in the said report mentioned; or the said respective sums may be recovered, with the lawful interest which may accrue thereon, from and after thirty days from the date and confirmation of said report, and all costs and charges, by the said mayor, or aldermen and commonalty, from and against the parties aforesaid, respectively, or the owner or owners respectively, of the respective lands, tenements, hereditaments and premises, deemed to be benefited as aforesaid, by action of debt, or assumpsit, in which it shall be sufficient to declare generally for so much money due by virtue of this act, to the said mayor, aldermen and commonalty, and any matter may be given in evidence under such general declaration: *Provided*, that nothing herein contained, shall affect any agreement between landlord and tenant, or any other contracting parties, respecting the payment of any such sums so estimated, but they shall be answerable to each other in the same manner as if the provision of this act concerning the same had not been made.

CHAP. LXXVI.

AN ACT to appoint commissioners to fix the site for a court house and gaol in the county of Saratoga.

Passed March 14, 1817.

Commission-
ers.

I. BE it enacted by the people of the State of New York, represented in Senate and Assembly; That James Merrill, of the village of Ballston Spa, Elisha Powell, of Milton, Isaac Gere, of Galway, John Gibson, of Ballston and Gilbert Waring, of Saratoga, in the county of Saratoga, be and they are hereby appointed commissioners to ascertain and determine upon a suitable place whereon to build a court house and gaol in the county of Saratoga: and the said commissioners, or a major part of them, shall, on or before the first day of April next, ascertain and determine upon the most suitable site for the said court house and gaol, within the limits and bounds of the village of Ballston Spa, in the county aforesaid; shall accurately describe the said site, and file a description thereof under their hands and seals in the clerk's office of the said county: and the said commissioners are hereby authorised and required to procure a good and sufficient conveyance to the supervisors of the said county, of a suitable lot of ground, including the said site, for the court house and gaol aforesaid: and it shall be the duty of the said com-

Site of the
court house
and gaol.

missioners, and they are hereby authorised and required, to cause to be erected and built on the site aforesaid, a fit and convenient building, or fit and convenient buildings, for a court house and gaol for the said county.

II. *And be it further enacted*, That when in the opinion of the judges of the court of common pleas of the said county, or a major part of them, the court house shall be so far completed as to be convenient for holding courts therein, and the gaol for the reception and confinement of prisoners, they shall cause a certificate thereof, under their hands and seals, to be filed in the clerk's office of the said county, and a copy thereof to be served on the sheriff of the said county, and the said buildings shall, in one week thereafter, be and remain the court house and gaol of the said county.

The judges to certify when the buildings are finished.

III. *And be it further enacted*, That it shall be the duty of the supervisors of the said county, and they are hereby authorised and required, at their next annual meeting, to cause to be assessed, collected, and paid into the treasury of the said county, the sum of five thousand dollars, in like manner as taxes to defray the contingent expenses of the said county are assessed, collected and paid, and in each year thereafter, in like manner, the sum of four thousand dollars, until a sufficient sum, over and above the ordinary fees of collection, shall have been collected and paid into the treasury, to satisfy and pay for the said lot of ground, and building the said court house and gaol: and it shall be the duty of the treasurer of the said county, and he is hereby authorised and required, from and after the first day of February next, from time to time, to pay out of the treasury of the said county, on the warrant of the said commissioners, or a major part of them, a sum of money not exceeding in the whole in one year the sum of five thousand dollars, and in each year thereafter a sum not exceeding four thousand dollars, until he shall have paid the sum of sixteen thousand dollars, or until the expenses of purchasing the said lot of land and erecting the buildings shall be fully paid.

Money to be raised by tax.

IV. *And be it further enacted*, That the said commissioners, be and they are hereby authorised to borrow, for the purpose intended by this act, a sum of money not exceeding the sum of ten thousand dollars, at a rate of interest not exceeding seven per centum per annum; and the treasurer aforesaid is hereby required to pay the same, on the warrant of the said commissioners, as aforesaid: and it shall be the duty of the said commissioners, before they enter on the duties required of them by this act, to take an oath, well, faithfully and honestly to perform the same, and shall immediately thereafter, each give a bond to the supervisors aforesaid, with sufficient surety, to be approved of by the clerk of the said county, in the penalty of ten thousand dollars, conditioned for the faithful application of the monies to be by them received or drawn as aforesaid, and to render a just and true account thereof to the said supervisors when thereto lawfully required.

Ten thousand dollars may be borrowed.

V. *And be it further enacted*, That the said commissioners be hereby authorised to collect all the materials of the old court house and gaol recently consumed by fire, and to use and dispose of the same for the benefit of the said county.

Materials of the old buildings to be sold.

VI. *And be it further enacted*, That the said commissioners shall

each be allowed and paid the sum of two dollars and fifty cents for each day's attendance on the business intended by this act, to be paid out of the monies before mentioned.

CHAP. LXXVII.

AN ACT for the relief of the Cayuga and Susquehannah turnpike company.

Passed March 14, 1817.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the president and directors of the Cayuga and Susquehannah turnpike company, shall have a further time of three years, from the first day of June next, for the purpose of completing the said road, any law to the contrary notwithstanding.

CHAP. LXXVIII.

AN ACT relative to the court of common pleas and general sessions of the peace in and for the county of Onondaga, and the court of general sessions of the peace in and for the county of Clinton.

Passed March 14, 1817.

Four terms
of common
pleas in O-
nondaga.

When held.

Proviso.

Additional
term in Clin-
ton.

I. Be it enacted by the people of the State of New-York, represented in senate and assembly, That the court of common pleas and general sessions of the peace, held at the court house in the town of Onondaga, in and for the county of Onondaga, shall be held at the four several terms following, to wit: On the fourth Mondays of May, August, November and February; and that the said several terms of the said courts may be continued and held from the time of the commencement thereof, every day, except Sunday, until and including the second Saturday after the commencement of each term: *Provided,* Nothing herein contained shall authorise the said courts to hold trials by jury, in any term after the first week thereof: *And provided further,* That no process, issuing out of said courts, shall be tested or made returnable in the second week of any of the said terms.

II. And be it further enacted, That hereafter there shall be an additional term of the court of general sessions of the peace, held in and for the county of Clinton, on the third Tuesday of January, in each and every year; and that the said term of said court may continue to be held, from the time of its commencement, until the Saturday next following, inclusive.

CHAP. LXXIX.

AN ACT *relative to the court house and gaol in the county of Essex.*

Passed March 14, 1817.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly,* That it shall and may be lawful for the supervisors of the county of Essex, or a majority of them, to levy and collect, of the freeholders and inhabitants of the county of Essex, in the usual way of levying and collecting taxes, to defray the contingent expenses of said county, such sum or sums as they, or a majority of them, shall agree on, not exceeding three thousand dollars, for the purpose of defraying the expenses of completing the court house and gaol in the said county of Essex.

II. *And be it further enacted,* That it shall be the duty of the treasurer to pay to the order of the commissioners, appointed to superintend the building of a court house and gaol in said county, or a majority of them, so much of the monies as are necessary, that shall or may have come into the treasury by virtue of this act or otherwise, and not appropriated to other purposes; and it is hereby made the duty of the said commissioners, to account with the supervisors of the said county for the monies to be drawn on their order as aforesaid, when thereunto required.

CHAP. LXXX.

AN ACT *for the relief of the president, directors and company of the Schoharie-kill bridge company.*

Passed March 14, 1817.

WHEREAS the president, directors and company of Schoharie-kill bridge company, have made and completed a turnpike road, commencing at the house of John S. Bradford, in the town of Blenheim, in the county of Schoharie, on the nearest and most convenient route to the Schoharie-kill bridge, and from thence so as to intersect the Susquehannah turnpike road, at or near the village in Shingle-kill, in the town of Cairo, in the county of Greene: *And whereas* there are some omissions in the form of the appointment of the commissioners to lay out said road, and in their return, and also in the appointment of the commissioners to assess the damages, and in their requisition and return; for remedy whereof,

Preamble

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly,* That the appointment of the commissioners, by the governor, to lay out the road aforesaid, and the appointment of the appraisers to assess the damages, and proceedings and return of the said commissioners, be confirmed, any informalities in any of the said proceedings notwithstanding.

Certain proceedings confirmed.

And whereas the president and directors of the said company, to remove objections on the part of the inhabitants of the town of Wind-

Certain persons exempt from tolls.

ham, in the county of Greene, against confirming the proceedings aforesaid, have entered into an arrangement with the said inhabitants to permit them to pass the middle gate, on said road, toll free, on the condition that such of the said inhabitants as live on the said road, shall bestow three-fourths of their ordinary road assessments on the said turnpike road. Therefore—

II. *Be it further enacted*, That the inhabitants of the town of Windham, shall hereafter at all times have the right of passing the said gate without paying toll.

Provided
they work on
said road.

III. *And be it further enacted*, That such of the inhabitants of the said town of Windham, as reside on the said turnpike road, shall work three-fourths of their assessments on the said turnpike, under the direction of the commissioners of highways of the said town, and of the overseers of highways in whose road districts they shall reside; and that it shall be the duty of the commissioners of highways, of the said town, hereafter to cause the said inhabitants, residing on the said turnpike road, to be assessed in the same proportion with the other inhabitants of the said town, and to direct that three-fourths of the labor be bestowed on the said turnpike road: *Provided always*, That the said inhabitants shall have the same right to commute as in other cases: *And provided also*, That nothing in this act contained shall confirm the doings of the commissioners who laid out the said road, or of the appraisers who assessed the damages to so much of the said road as passes through the lands of William Stimson, in the said town of Windham, until the said president and directors shall have the damages, which the said Stimson may sustain by having the said road laid over his land, assessed, conformably to the directions of the act, entitled "an act relative to turnpike companies," and shall have paid or tendered the damages, thus assessed, to the said William Stimson, his heirs and assigns, and then only to be confirmed from the time of making such payment or tender, as aforesaid: *And further*, That nothing in this act shall in any wise impair the rights of the said company to land they have purchased from the said William Stimson for the said road, nor prejudice the rights of either party to any action or actions, which is or are now pending between the said William Stimson and the said company.

Revised.

CHAP. LXXXI.

AN ACT relative to the board of supervisors of the counties of Tioga, Seneca, Broome and Chenango.

Passed March 14, 1817.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That the annual meeting of the board of supervisors of the county of Tioga, shall be held at the court house in the town of Spencer, on the last Tuesday of October in each year; and that the annual meeting of the board of supervisors, of the counties of Seneca and Broome, shall be holden at the respective court houses, in said counties, on the last Monday of October in each year, any law to the contrary notwithstanding.

II. *And be it further enacted*, That the assessment rolls of the several towns in said counties, before mentioned, and also of the several towns in the county of Chenango, or a fair and correct copy thereof, shall be delivered to the respective collectors of the several towns in each county, on or before the third Tuesday of November in each year, with the warrant thereunto annexed, in manner directed by the act, entitled "an act for the assessment and collection of taxes."

CHAP. LXXXII.

AN ACT *altering the terms of the courts of common pleas and general sessions of the peace in the counties of Albany and Columbia, and granting an additional term of the said courts.*

Passed March 14, 1817.

I. *BE it enacted by the people of the state of New-York, represented in senate and assembly*, That from and after the passing of this act, there shall be held in and for the county of Albany four terms of the courts of common pleas and general sessions of the peace, at the capitol in the city of Albany, at the times following, in each year, to wit: On the second Tuesday of June, on the second Tuesday of September, on the second Tuesday of December, and on the second Tuesday of March, instead of the times now established by law for holding the said courts in the said county; and that the said courts respectively may continue from the times of their commencement, as aforesaid, (Sunday excepted) until and including Tuesday in the next week thereafter.

Terms in Albany.

When held

II. *And be it further enacted*, That the first term of the said courts shall be held, as aforesaid, on the second Tuesday of June next, and that all writs, process, notices and recognizances, made returnable on the third Tuesday of June next, in the said courts respectively, shall be, and hereby are made, returnable in the said courts, at the capitol in the city of Albany, on the second Tuesday of June next; and that all adjournments, appearances, continuances and notices, of any proceedings in the said courts respectively, shall be held and taken to be made to and at the terms of the said courts respectively as altered by this act.

First term.

III. *And be it further enacted*, That from and after the passing of this act, there shall be held in and for the county of Columbia, four terms of the court of common pleas, at the court house in the city of Hudson, at the times following, to wit: On the first Monday in June, on the last Monday in August, and last Monday in November, and on the third Monday in February, in each year; and that three courts of general sessions of the peace shall be held in and for the said county, at the times following, to wit: On the first Monday in June, on the last Monday in November, and third Monday in February, instead of the times now established by law for holding said courts in the said county; and the said courts, respectively, may continue from the times of their commencement, as aforesaid, until and including Saturday in the said terms respectively.

Com. pleas in Columbia.

General sessions.

IV. *And be it further enacted*, That the first term of the said courts shall be held as aforesaid; on the first Monday in June next; and that all writs, process, notices and recognizances, made returnable on the last Monday of May next, in the said courts, respectively, shall be, and hereby are, made returnable in the said courts, in the court house in the city of Hudson, on the first Monday in June next; and that all adjournments, appearances, continuances and notices, of any proceeding in the said courts respectively, shall be held and taken to be made to and at the terms of the said courts respectively, as altered by this act.

CHAP. LXXXIII.

AN ACT relative to state roads.

Passed March 14, 1817.

WHEREAS great inconvenience has arisen from the want of authority in the commissioners of highways, of the several towns in this state, to alter and amend such highways as are laid out by special acts of the legislature, commonly called state roads; and in order to prevent application being made to the legislature for every alteration in said roads, as are supposed to be necessary—Therefore,

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall be lawful for the commissioners of highways of any town in this state, through which a state road passes, on being applied to by twelve freeholders of such town, and with the consent of the commissioners of highways of the adjoining towns through which said road passes, to regulate and alter such road, in the said town, if in their opinion the public good and convenience shall require the same: *Provided however*, That no such alteration shall alter the general route of the road: *And also*, That the provisions of the act, entitled “an act to regulate highways,” relative to the alteration and amendment of public roads, shall be held to extend to such alteration, as aforesaid, of any state road.

CHAP. LXXXIV.

AN ACT to incorporate the Oswego falls and Sodus-bay turnpike road company.

Passed March 14, 1817.

I. *BE it enacted by the people of the state of New-York, represented in senate and assembly*, That George Scriba, Adonijah Church, Obadiah Adams and Jarvis Mudge, and all such persons as shall associate for the purpose of making a turnpike road, to begin on the west side of the Oswego river, near the termination of the road from Utica, and running thence to Port Glasgow on the eastern shore of Sodus-bay, in the county of Cayuga, and their successors, be and they are hereby created a body corporate and politic, by the name of

* The president, directors and company of the Oswego falls and Sodus-bay turnpike company," and they are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, and by that name they and their successors shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions and complaints, matters and causes; and by the same name and style shall be in law capable of purchasing, holding and conveying any estate, real, personal or mixed, for the use of the said corporation: *Provided*, That such estate, real, personal or mixed, so to be purchased and held, shall be necessary to fulfil the end and intent of the said incorporation, and for no other purpose whatsoever.

Style.

Towers.

II. *And be it further enacted*, That the said stock of the said company hereby incorporated, shall consist of three thousand shares, of twenty dollars each, and that George Scriba, Obadiah A. Iams, George Goundry and Conrad Forsyne, be and they are hereby appointed commissioners to receive subscriptions for said stock, in the manner directed by the act, entitled "an act relative to turnpike companies," passed March 13th, 1807.

Stock.

Commissioners.

III. *And be it further enacted*, That the said company hereby incorporated, shall be entitled to exact and receive at each of the gates or turnpikes to be erected on said road, for any number of miles not less than ten in length of said road, the following sums of money, and so in proportion for every greater or less distance, from all persons travelling or using the same, to wit: For every score of hogs or sheep, three cents; for every score of cattle, horses or mules, six cents; for every chair, sulkey or chaise, with one horse, twelve and an half cents; for every horse rode, led or driven, four cents; for every chariot, coach, coachee, phaeton, pleasure waggon or pleasure carriage, drawn by two horses, twenty five cents, for every additional horse, six cents; for every stage waggon or other four wheeled carriage, drawn by two horses, mules or oxen, twelve and an half cents, for every additional horse, mule or ox, three cents; for every cart, drawn by two oxen, eight cents, and every additional yoke of oxen, or pair of horses or mules, three cents; for every sled, travelling the above road from the fifteenth day of December to the fifteenth day of March, in each year, one half of the tolls herein demanded for carriages for the transportation of burdens.

Tolls.

IV. *And be it further enacted*, That the said company hereby incorporated, shall have and enjoy all the rights, privileges, powers and immunities, which are given and granted in and by the aforesaid act, entitled "an act relative to turnpike companies," and shall be subject to all the conditions, restrictions and regulations, contained in the said general act.

Rights.

V. *And be it further enacted*, That it shall and may be lawful for the company hereby incorporated, if they think fit, to cause to be laid out, and worked, and made, a turnpike road from the western shore of Sodus bay, opposite to the termination of the turnpike road above mentioned, until it strikes the ridge road, at or near Turner's tavern, in the town of Sodus, and county of Ontario, or any portion of the distance between said bay and the ridge road, conforming in all

Extension of powers.

things to the directions of the said act, relative to turnpike companies, which last mentioned turnpike road, when made, shall be considered as belonging to and forming a part of the turnpike road first above mentioned.

CHAP. LXXXV.

AN ACT *to alter the time of holding the annual town meetings in the towns of Argyle, Hampton, Fort Ann and Kingsbury, in the county of Washington.*

Passed March 14, 1817.

Be it enacted by the people of the state of New-York, represented in senate and assembly, That from and after the first Tuesday in April next, the annual town meetings in the towns of Argyle, Hampton, Fort Ann and Kingsbury, in the county of Washington, shall be held on the first Monday of March in each and every year; and that all such town officers, whose duty it is to meet on the last Tuesday of March, shall meet on the last Tuesday of February, in every year, to do and transact such business as to their respective offices may appertain.

CHAP. LXXXVI.

AN ACT *to amend the act, entitled "an act relative to the managers of lotteries, and for other purposes."*

Passed March 14, 1817.

I. *BE it enacted by the People of the state of New-York, represented in Senate and Assembly,* That the managers of lotteries within this state, shall not be bound to sell tickets at private sale for the space of sixty days, after opening any lottery for sale, as the fifth section of the act hereby amended directs, but may at the expiration of thirty days dispose of the said tickets, or such of them as may remain unsold, at public auction, in the city of New-York, in the manner and on the terms and conditions, which the said section of said act prescribes, after first giving notice of such sale at least twice a week, for three weeks successively, in at least three of the public newspapers published in the city of New-York, and in at least two of the public news papers published in the city of Albany.

II. *And be it further enacted,* That the twenty-first section of the act, entitled "an act for the payment of certain officers of government, and for other purposes," passed the 18th of April, 1815, and the sixteenth section of the act, entitled "an act for the payment of certain officers of government, and for other purposes," passed 17th April, 1816, be and the same are hereby severally repealed.

CHAP. LXXXVII.

AN ACT to incorporate the Catskill Lancaster school society.

Passed March 14, 1817.

WHEREAS Thomas Hale, Ezra Hawley, Joel Bellamy, William Van Bergen, James Powers, and others, have associated themselves for the laudable purpose of establishing a school in the village of Catskill, for the diffusion of common education; and whereas the said persons have presented a petition to the legislature, setting forth the benefit which would result to society from such an institution, and the advantages of appropriating to the uses thereof the monies arising from the distribution of the school fund, in the village of Catskill: Therefore,

Preamble.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That Thomas Hale, Ezra Hawley, Joel Bellamy, William Van Bergen and James Powers, and all such other persons as now are or shall hereafter become members of said society, shall be and hereby are ordained, constituted and declared to be, a body corporate and politic, in fact and in name, by the name of "the Catskill Lancaster school society," and by that name they and their successors forever hereafter shall and may have succession, and by that name shall and may be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and that they and their successors may have a common seal, and may change and alter the same at their pleasure, and that they and their successors, by that name, shall be forever capable in law to purchase, take, receive, hold and enjoy any estate, real or personal, whatsoever, of what nature and quality whatsoever, to the use of them and their successors: *Provided always*, that the yearly income of the real and personal estate and hereditaments held by the said corporation, do not nor shall not at any time exceed the sum of five thousand dollars; and that they and their successors shall have full power and authority to lease such real estate and hereditaments, on such terms as they shall judge most beneficial, and also to dispose of all such personal estate, at their will and pleasure, as shall appear to them most advantageous for promoting the benevolent purpose of the said institution: *And provided also*, that the said corporation shall not be authorised to carry on banking transactions of any kind whatsoever. nor shall they make or issue any promissory note or notes, bill or bills, for the payment of money, under any pretence whatever, except for debts previously and bona fide due to the person or persons to whom the same may be issued.

Associates.

Style.

Powers.

Proviso.

II. *And be it further enacted*, That there be, forever hereafter, seven trustees of the said corporation, who shall conduct and manage all the affairs thereof; and that the said trustees shall be members of the said corporation; and the first trustees of the said corporation shall be David Porter, Nathan Elliott, William Van Bergen, Joel Bellamy, Caleb Benton, Thomas B. Cook and Francis Sayre, who shall hold their offices until the first Monday of May next; and the

Seven trustees.

First trustees.

Their duties. trustees of the said corporation for the time being, shall have power to establish one or more schools in the village of Catskill, for the purposes aforesaid, whenever the members of the said corporation, at a quarterly meeting, by a majority of them, shall judge it expedient for the more fully extending the benefits of education, agreeable to the benevolent design of said corporation, and for keeping up the succession in said offices.

Annual elections. III. *Be it further enacted,* That on the first Monday of May next, and yearly and every year forever thereafter on the first Monday of May, there shall be a general meeting of the members of the said corporation, at some convenient place in the village of Catskill, to be fixed by the by-laws of the said corporation, and by a majority of such of them as shall so meet, they shall by ballot elect seven of their members, to be trustees of the said corporation, for the year next ensuing; and the said trustees shall have power to choose out of their own number, a president, a treasurer and secretary, who shall immediately enter on their said offices, and hold the same, from the time of such election, for and during the space of one year, and until others be elected in their stead; and in case of any of the persons, so elected to be trustees of the said corporation, shall die or resign, before the time of their appointed service expires, or shall refuse or neglect to act in or execute the said office, then and in every such case, the remaining trustees of the said corporation shall, within ten days thereafter, by ballot, elect another or others of the members of the said corporation, in the stead of him or them so dying, refusing or neglecting to act, or resigning, and that such person or persons as shall have the greatest number of votes at every such election, shall hold their said offices from the time of such election until the first Monday in May then next ensuing, and until another or others shall be chosen in their stead: *Provided always, and be it further enacted,* that at each first meeting of the said trustees after every annual election, it shall be in their discretion, to appoint out of the members of the said corporation, an additional number of trustees not exceeding four.

Trustees to meet monthly. IV. *And be it further enacted,* That the trustees of the said corporation, shall regularly meet on the first Monday in every month, and at such other times as they may judge proper and expedient, and that four or more of the said trustees, so met, shall forever thereafter be a legal meeting of the said corporation, and that at any and every such meeting, it shall be lawful for them, or a majority of them, to make all such by-laws, rules and regulations, for the government and regulation of the said corporation, and its affairs, and for the management and disposal of the property and estate of the said corporation, as they deem requisite to promote the designs and intent of establishing this corporation, and the same or any part of them to alter, amend or repeal, from time to time, as they or a majority of them may think fit, and shall have power, whenever they may judge it necessary, to call a general meeting of the members of the said corporation, who may adjourn from time to time, as to them shall seem proper.

May make by-laws. V. *And be it further enacted,* That the said trustees, at a stated meeting, shall and may nominate one or more teachers or instructors, to take charge of the school or schools under the care and direction

And call general meetings.
Appoint teachers.

of the said corporation, and also appoint such other officers or servants as they may think necessary, and to allow and affix their respective compensations, and such teachers, instructors, officers or servants, or any of them, at their pleasure to dismiss and discharge, and another or others in their stead to appoint.

And other of them.

VI. *And be it further enacted*, That any person who shall contribute to the benefit of the said society, the sum of twenty-five dollars, shall thereupon be a member thereof, and shall be entitled, during the life of such contributor, to send one child to be educated gratuitously, at any school under the care and direction of the said society, subject nevertheless, to the by-laws, rules and regulations of the said corporation: *And further*, that any person who shall contribute to the benefit of the society any sum of money not less than five dollars, shall thereupon be a member thereof, and be entitled to the privileges granted to the members thereof by this act, and none others but contributors to the said society as aforesaid shall be deemed members thereof.

Who shall be members.

VII. *And be it further enacted*, That the commissioners of common schools, for the town of Catskill, shall pay to the trustees of the said corporation, out of the sum or sums of money, which have arisen, or which from time to time, hereafter, may arise from a distribution of the school fund, and from the sum or sums of money which have or shall, from time to time, hereafter, be received by the said town of Catskill, in pursuance of an act, entitled "an act for the better establishment of common schools," passed April 15, 1814, such parts or portion thereof, as that part of the village of Catskill, lying on the east side of the creek, and known and described by school district number one, may or shall be entitled to receive by virtue of said act; and it shall not be necessary nor lawful for the said commissioners, at any time hereafter, to divide said school district number one: *And*, in order that the commissioners of schools may be enabled to ascertain and set apart the monies to be paid to the trustees aforesaid,

To receive a portion of the school fund.

VIII. *Be it further enacted*, That the trustees shall, on or before the first day of May next, and on or before the first day of March, in every year thereafter, ascertain and report to the commissioners of the town of Catskill, the number of children within the limits of said school district number one, from five to fifteen years, inclusive; which report shall have the like force and effect, as to the division and distribution of the school monies, as is given to the report of the trustees of schools, in and by the act for the establishment of common schools.

Trustees to report annually the number of children in district.

IX. *And be it further enacted*, That it shall be the duty of the trustees of the said corporation, to report annually to the general meeting of the members of the said corporation, on the first Monday in May in every year, a particular account of the state of the school or schools under their care, and of the monies received and expended by them during the preceding year, so as to exhibit a full and perfect statement of the property, funds and affairs of the said corporation.

And a statement of the school, its affairs and funds.

IX. *And be it further enacted*, That this act shall be and hereby is declared to be a public act, and shall be construed benignly and favorably for every beneficial purpose hereby intended, nor shall

A public act.

any non user of the privileges hereby granted to the said corporation be deemed a forfeiture of the same; and no misnomer of the said corporation in any deed, will, testament, gift, grant, demise or other instrument of contract or conveyance, shall defeat or vitiate the same: *Provided*, the corporation be sufficiently described to ascertain the intentions of the parties.

XII. *And be it further enacted*, That this act may be repealed at any time, or the provisions thereof may, at any time, be altered or modified as the legislature may think proper.

CHAP. LXXXVIII.

AN ACT *authorising the mayor of the city of Schenectady to perform certain duties of a judge of the supreme court.*

Passed March 14, 1817.

BE it enacted by the People of the state of New-York, represented in Senate and Assembly, That the mayor of the city of Schenectady, (if, for the time being, of the degree of counsellor at law of the supreme court of this state,) shall be, ex-officio, a commissioner, equally authorised and empowered with the recorders of the cities of New-York, Albany and Hudson, to do and execute every act, power and trust, which the said recorders respectively may do and execute, by virtue of the eleventh section of the act, entitled "an act concerning the supreme court," and by the act, entitled "an act for giving relief in cases of insolvency;" and the said mayor shall receive the like fees allowed by law, to the said recorders, for such services.

CHAP. LXXXIX.

AN ACT *relative to academies.*

Passed March 14, 1817.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That whenever any trustee, belonging to any incorporated academy in this state, shall refuse or neglect to attend any two successive legal meetings of the trustees of such academy, after having been personally notified of such meeting, and no just and satisfactory cause, for the non-attendance of such trustee, be shown, it shall and may be lawful for such trustees, or a majority of them, at a legal meeting of the same, to declare the seat of such delinquent trustee vacant, and to choose a fit person to fill and supply such vacancy.

II. *And be it further enacted*, That in all cases where the number of trustees of any academy within this state, shall exceed twelve, the trustees of said academy, at their annual meeting, or a majority of those who meet, may reduce the number of the original board of trustees, by vacating the seats of those members, who may neglect or refuse to attend said meeting, to any number not less than twelve;

and a majority of said board of trustees, so reduced, shall have power to act in like manner as a majority of the original numbers might have had under existing laws, or laws which may hereafter be passed: *Provided*, That it shall not be lawful to vacate the seats of any of said trustees, unless they shall have neglected to attend at two several meetings of the said trustees, having been duly notified of said meeting.

CHAP. XC.

AN ACT authorising assistant justices of the court of common pleas to take affidavits to be read in all courts of common pleas and general sessions of the peace in this state.

Passed March 14, 1817.

BE it enacted by the people of the State of New-York, represented in senate and assembly, That the assistant justices of the courts of common pleas of the several counties of this state, shall be, and hereby are, authorised and empowered to take and certify affidavits to be read in all the courts of common pleas, and the courts of general sessions of the peace, of the several counties of this state.

CHAP. XCI.

AN ACT for the relief of Hamilton college.

Passed March 18, 1817.

WHEREAS the trustees of Hamilton college have represented to the legislature, that they have been at great expense in erecting buildings and making other improvements, necessarily incident to a new establishment; and, in consequence thereof, have been obliged to contract large debts, which they are, at present, unable to discharge without sacrifices greatly to the injury of the college, inasmuch as they are restrained, by the terms of the grant, from collecting the monies due upon the mortgages assigned them by the comptroller, pursuant to an act for that purpose, and the money granted them by lottery cannot, at present, be realised—Therefore,

BE it enacted by the people of the state of New-York, represented in senate and assembly, That the treasurer of this state, on the warrant of the comptroller, pay to the trustees of Hamilton college, the sum of ten thousand dollars, in part anticipation of the money authorised to be raised, for the said college, by virtue of the "act instituting a lottery for the promotion of literature, and for other purposes," passed April 13, 1814; and that the said sum of ten thousand dollars, with interest at the rate of six per cent. per annum, be retained by the treasurer, for the use of this state, out of the sum of forty thousand dollars, by the eighth section of the said act directed to be paid to the trustees of the said college.

CHAP. XCII.

AN ACT *relative to the assessment and collection of taxes in the city of Albany.*

Passed March 21, 1817.

Preamble.

WHEREAS it is represented to the legislature, that great inequality exists in the apportionment of the quota of tax, on the several wards in the city of Albany, for the year one thousand eight hundred and sixteen; and that such inequality has arisen from an erroneous mode adopted by the supervisors, of the city and county of Albany; for equalizing the valuations of real estate within the said city and county; for remedy whereof,

Supervisors to examine valuations made by assessors.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly,* That it shall be the duty of the supervisors of the city of Albany, to meet together at the capitol, in the said city, on the first Tuesday in June next, and examine the valuations of real estate, made by the assessors of the several wards in the said city, during the past year, and without reference to the assessments of former years, to reduce or increase the aggregate amount of such valuations, in the said respective wards, in such manner and proportions as they shall deem just and reasonable, for the purpose of equalizing the same, as nearly as may be, according to the actual value of such real estate in each ward.

To return true lists of valuation, &c.

II. *And be it further enacted,* That at the first meeting of the supervisors, of the city and county of Albany, after the first Tuesday of June next, the supervisors of the said city shall return true lists of the valuations, as well of the personal as of the real estate, within the several wards of the said city, so as aforesaid equalized by them; and that it shall be the duty of the supervisors of the said city and county, to apportion the amount of tax assigned to the said city for the past year, (being forty-eight thousand and seven dollars and forty-eight cents, or thereabouts) among the several wards of the said city, according to the amount of real and personal estate within the said respective wards, as appearing from the aforesaid lists.

Shall ascertain what sums were raised in each ward above or below its proportion.

III. *And be it further enacted,* That after such apportionment shall have been made, the supervisors of the said city and county shall forthwith ascertain, from the warrants of the supervisors for the past year, what sum or sums were ordered to be raised in any ward of the said city, above or below its due proportion of tax, according to the aforesaid corrected valuations, and to credit such excess on the books of the said supervisors, to the several wards in which the same has been raised, and to debit the other wards with the sums which each has been assessed, during the past year, below its just proportion of the said tax, to be ascertained as aforesaid.

Duty in apportioning tax.

IV. *And be it further enacted,* That it be the duty of the supervisors, of the said city and county, in apportioning the tax to be assigned to the said city, for the present year, to include the said credits as part of the quota of the tax of the said wards to whom the same shall be credited as aforesaid, and in like manner to add the said debits as part of the quota of the said wards, who may be debited as aforesaid.

V. And be it further enacted, That it shall be lawful for the supervisors of the said city and county, so to regulate the collectors' fees, within the said city, as that the fees of no collector shall, in any year, exceed the sum of three hundred dollars.

To regulate collector's fees.

CHAP. XCIII.

AN ACT for the relief of the president, directors and company of the Seneca lock navigation.

Passed March 21, 1817.

WHEREAS the president, directors and company of the Seneca lock navigation have, by their petition, represented, that the stock subscribed in behalf of this state, and by individuals, was expended, and found insufficient to complete the locks and open the navigation of the Seneca outlet; and that an advance of twenty-five per cent. upon the stock subscribed, was requisite to complete the works, without which they must remain unfinished, useless to the public, and of no value to the stockholders: *And whereas* most of the stockholders have united in the application of the said president, directors and company, and some few, under special circumstances, do not unite with them—Therefore,

Preamble.

I. BE it enacted by the people of the state of New-York, represented in senate and assembly, That it shall be lawful for the president, directors and company of the Seneca lock navigation to call for and demand, upon every share subscribed to the stock of said company, a further sum of six dollars twenty-five cents over and above twenty-five dollars, the original amount of said stock, in the same manner, and under the like penalties, as are provided by the act incorporating said company.

To make a further call.

II. And be it further enacted, That it shall be the duty of the comptroller of this state, to draw his warrants upon the treasurer for the sum of twenty-five per cent. upon the stock subscribed by him, in behalf of this state, when and in such manner as the said president, directors and company may require: *Provided however,* that the comptroller shall not draw his warrant as aforesaid, unless he shall first have satisfactory proof that the amount of the call, by this act authorised to be made, on the stock of the said company, held by individuals, shall have been actually paid and expended by the company, on the works of the said company.

What sum to be paid on stock subscribed by state.

Proviso.

III. And be it further enacted, That the time fixed, by the act incorporating said company, for completing the works, shall be and the same is hereby extended to the first day of December, 1819.

Time for finishing road extended.

LAWS OF NEW-YORK.

CHAP. XCIV.

AN ACT *explanatory of the proviso in the second section of an act, entitled "an act further to amend an act, entitled "an act to incorporate the New-York manufacturing company," passed February 28th, 1817.*

Passed March 21, 1817.

BE it enacted and declared by the people of the State of New-York, represented in Senate and Assembly, That it shall not be lawful for any citizen of this state to make, use, or sell to be used out of this state, the said machines, mentioned in the said proviso of the said second section of the said act hereby amended.

CHAP. XCV.

AN ACT *to amend an act, entitled "an act to divide the town of Parma, in the county of Genesee.*

Passed March 21, 1817.

Be it enacted by the people of the state of New-York, represented in senate and assembly, That the act, entitled "an act to divide the town of Parma, in the county of Genesee," shall take effect on the Monday preceding the first Tuesday in April next; and that the southern boundary of the said town of Parma, shall be on the south line of the Gore tract, about one mile south of the ridge road, any thing in the act hereby amended to the contrary notwithstanding.

CHAP. XCVI.

AN ACT *to incorporate the village of Rochesterville, in the county of Genesee.*

Passed March 21, 1817.

I. BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the tract of country bounded as follows, to wit: beginning at a point in the center of Genesee river, and on a right line with the south line of lot number fifty-two, in township number one, short range, in the town of Gates, in the county of Genesee; running thence west on said line, to the southwest corner of said lot; thence north on the west line of lots number fifty-two, fifty-one, fifty, forty-nine and forty-eight, to the south line of lot number forty-seven; thence to continue in a right line to the north line of lot number forty-six; thence east, on the said last mentioned line, to the west bank of the Genesee river; thence to continue in a right line to the centre of the said river; and thence along the centre of the said river to the place of beginning, shall be known and distinguished by the name of Rochesterville.

II. *And be it further enacted*, That the freeholders and inhabitants, qualified to vote for members of assembly, and resident within the aforesaid limits, may, on the first Monday in May next, meet at some proper place therein, to be appointed by any justice resident in said village, and notified to the inhabitants thereof by advertisement, at the expense of said village, in some public newspaper printed therein, if any such there should be, and by notices set up in three conspicuous places therein, at least one week previous to the said first Monday of May, and then and there proceed to elect, by ballot, five freeholders, resident within said village, to be trustees thereof; who, when chosen, shall possess the several powers and rights herein after specified; and such justice, or some other justice, resident within said village, shall preside at such meeting, and determine the qualification of electors, and declare the several persons, having a majority of votes, as duly chosen trustees; and on every first Monday of May, after the first election of trustees, there shall, in like manner, be a new election of trustees for the said village; and the trustees for the time being, or a majority of them, shall perform the several duties required from the said justice, in respect of notifying all the meetings of the freeholders and inhabitants of the said village, and presiding at such meetings; and each and every of the said trustees, so presiding at such meetings, is hereby authorised to administer an oath to any person, offering himself as an elector, in order to determine his qualifications therefor.

Five trustees to be elected.

A justice to preside at meeting.

Annual election.

Trustees to administer oath.

III. *And be it further enacted*, That the freeholders and inhabitants residing within the aforesaid limits, be and they are hereby ordained, constituted and declared to be, from time to time, and forever hereafter, a body corporate and politic, in fact and in name, by the name of "the trustees of Rochesterville," and by that name they and their successors shall and may have perpetual succession, and be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, complaints and causes whatsoever, and that they and their successors may have a common seal, and may change the same at pleasure, and shall be capable in law of purchasing, holding, receiving and conveying any estate, real or personal, for the public use of the said village, and of erecting any public buildings for the use of said village, and of making any necessary repairs or improvements in said village, and of raising money by tax for erecting such public buildings, purchasing such real or personal property, procuring fire engines and other utensils for extinguishing fires, for making a reasonable compensation to the officers of the corporation, and for making any necessary repairs or improvements in said village, and for defraying the incidental expenses of carrying the several by-laws and regulations which may be made under this act, into effect; which money so to be raised, shall be assessed upon the freeholders and inhabitants of the said village, according to law, by not less than three, nor more than five assessors, who shall be freeholders resident in said village, to be chosen by the inhabitants of said village, qualified to vote as aforesaid, and collected by the collector of the corporation, to be chosen by the inhabitants of said village, qualified to vote as aforesaid, in like manner as the taxes of towns

Declared a body corporate.

Seal.

May hold real estate.

May raise money by tax.

Assessors to be freeholders.

Provide.

and counties are collected, by virtue of a warrant to him directed, by a majority of the trustees: *Provided nevertheless*, that no tax shall be levied or monies raised, assessed or collected, for the purposes aforesaid, or any other purpose, and no purchase or sale of any real estate made, and no public buildings erected or disposed of, without the consent of the legal voters of the said village, in open meeting, duly warned and notified, first given and expressed by a majority of votes then and there given: *Provided also*, That it shall and may be lawful for the inhabitants of said village, as often as they shall vote to raise any sum or sums of money for any of the purposes aforesaid, or any other purposes, to specify, as far as may be convenient, the particular purpose for which said sum or sums, or any part thereof, shall be appropriated, that the assessors may have regard thereto in assessing the same.

Taxes assessed on residents & non-residents.

Provide.

IV. *And be it further enacted*, That the taxes which shall be legally laid, shall be assessed by the assessors of the said village upon the inhabitants thereof, and upon the owners of real and personal property, lying and being within the said village, both residents and nonresidents, having regard to the probable advantages which will result to the individuals, respectively, from the improvements contemplated to be made by such tax: *Provided*, That if any person shall conceive himself or herself aggrieved by any such assessment, it shall be lawful for such person to appeal from the said assessors to the trustees of the said village, in ten days after such assessments shall be made and public notice thereof given, giving notice to the said assessors, or any one of them, of such appeal, and of the time and place of determining thereon by said trustees, who shall hear the same and do justice in the premises.

Trustees to make laws.

To regulate streets, markets, &c.

Provide.

V. *And be it further enacted*, That it shall be lawful for the trustees of the said village, or the major part of them, and their successors, to make, ordain, constitute and publish, such prudential by-laws, rules and regulations, as they from time to time may deem meet and proper; and such particularly as are relative to the public markets, streets, allies, highways, foot walks and side ways, in said village; to draining, filling up, levelling, paving, flagging, gravelling, improving and keeping in order the same; relative to slaughter houses, houses of ill fame, and nuisances generally; relative to a village watch, and lighting the streets of the said village; relative to the restraining of dogs, swine, geese, goats, sheep, horses, cows, and other cattle of any kind, owned or found running at large in said village; relative to the better improvement of their common lands and real estate; relative to the inspection of weights and measures and the assize of bread; relative to erecting and regulating hay-scales; relative to public wells, pumps and reservoirs, or cisterns of water, for the extinguishment of fires and for other public purposes; relative to establishing, regulating and ordering their fire companies, and ordering or procuring fire buckets, ladders and fire utensils, and for guarding against fire generally; relative to keeping chimnies and fire places clear and in good repair; relative to taverns, gin shops and huckster shops in said village; relative to the establishing, procuring and keeping a common pound in said village; and relative to any thing whatsoever that may concern the good government of the said village; but no such by-laws shall extend to the regulating or

fixing of the prices of any commodities or articles of provision, except the article of bread, that may be offered for sale: *Provided also*, That such by-laws be not contrary to, or inconsistent with, the laws of this state or of the United States.

VI. *And be it further enacted*, That the said trustees, or a majority of them, as often as they shall make, ordain and publish any such by-laws, for the purposes aforesaid, may make, ordain, limit and provide such reasonable fines, penalties and forfeitures, against the offenders of such by-laws, as they may deem proper, not exceeding twenty-five dollars for any one offence, to be prosecuted for and recovered by action of debt, before any justice of the peace, with costs of suit, by the trustees, for the use of the corporation; in which action it shall be sufficient to declare generally, that the defendant or defendants is or are indebted to the trustees of Rochesterville, in the amount of the debt, fine, penalty or forfeiture, by virtue of this act to be paid to the said trustees, for the time being, when thereunto required, and under such declaration to give the special matter in evidence; and any justice of the peace of the county of Genesee, residing in the said village, and any freeholder or inhabitant of said village, shall be and are hereby declared competent, respectively, to try, serve as jurors, or give testimony in any cause, wherein the said trustees and an inhabitant of the said village are parties, notwithstanding any remote interests they may have in the event of such suit as members of the corporation of said village.

Fines may be inflicted.

Paid to trustees.

Witnesses.

VII. *And be it further enacted*, That the freeholders and inhabitants of the said village, qualified to vote as aforesaid at their annual meetings, on the first Monday of May in every year hereafter, to be held for choosing trustees, or at any other meeting duly notified, shall be and they are hereby duly authorised, by a majority of votes, to choose, by ballot, not less than three nor more than five assessors, one treasurer and one collector, being freeholders and inhabitants in said village, one constable, not less than three nor more than five fire wardens; and one pound keeper, being inhabitants in said village; and in case of vacancy by death, removal, refusal or incapacity to serve, of any of the aforesaid officers, it shall be the duty of the said trustees, or the major part of them, by warrant, under the hands and seals of the said trustees, or a majority of them, to appoint some suitable person to fill such vacancy; and the person so appointed shall be vested with the like powers, and be subject to the same penalties and restrictions, as if elected by the freeholders and inhabitants of the said village as aforesaid.

Assessors, &c. how chosen.

Vacancies how filled.

VIII. *And be it further enacted*, That the trustees, treasurer, assessors, collector, constable, fire wardens and pound keeper, shall, within ten days after each and every election or appointment, and before they proceed to the exercise of their several offices, respectively take and subscribe an oath or affirmation, before any justice of the peace in the said village or county, for the faithful execution of the trust or office to which they may be severally chosen or appointed; and that the treasurer, collector and constable, hereafter to be elected or appointed, shall, before they enter upon the execution of their respective offices, respectively give such security for the faithful performance of the trusts reposed in them, as the major part of the trustees, for the time being, shall deem sufficient.

Oath to be taken.

Security to be given.

Persons refusing to execute their office may be fined.

IX. *And be it further enacted*, That if any of the inhabitants in the said village, qualified as aforesaid, shall hereafter be elected or appointed a trustee, assessor, fire warden or pound keeper, and having due notice thereof, shall refuse, deny or neglect to take upon him or them to execute such office or trust, to which he or they may be elected, then, and as often as it shall happen, it shall and may be lawful for the said trustees, or the major part of them, to assess and impose upon such person or persons, so neglecting, denying or refusing, such reasonable fine or fines, not exceeding twenty dollars, as they the said trustees, or the major part of them, may think fit, to be recovered by action of debt, with costs, in the manner herein before directed for the recovery of penalties or forfeitures, imposed by the by-laws of the said trustees.

President & clerk to be chosen.

President's duty.

Clerk's duty.

Clerk may be removed.

X. *And be it further enacted*, That the trustees, or the major part of them, within ten days after their being elected in every year hereafter, shall, and it is hereby made their duty, to assemble in some convenient place in said village, and there to choose and appoint some one suitable person of their body to be president of the said board of trustees, and some proper person to be clerk of said board; that it shall be the duty of the said president to preside at the meetings of the trustees; to order extraordinary meetings of the trustees, whenever he may find it for the interest of the village so to do; to receive complaints of the breach of any of the by-laws; to see that all the by-laws, rules and regulations are faithfully executed, and prosecute, in the name of the trustees, all offenders against such by-laws; to receive and lay before the trustees the returns of the fire wardens; and who, with the consent of the major part of the trustees, shall appoint, under his hand and the seal of the said village, a company of firemen, not exceeding twenty-five in number; to inspect the utensils, belonging to the said village, for extinguishing fires; and whose duty it shall be, more particularly, to see the engines and fire utensils, engine houses and all other public property belonging to the said village, suitably and properly taken care of and kept in order, and to do all such other acts and things as may be proper for him, as president of the board of trustees, to do; and in case of the death, absence or inability of the president to discharge the several duties before mentioned, his place shall be supplied in the manner hereafter to be provided by the by-laws of the said corporation; and it shall be the duty of the said clerk, to attend all the meetings of the said trustees, and of their doings, especially of the passing of their by-laws, rules and ordinances, to keep a true and faithful record in a book to be provided by the said trustees; and it shall further be the duty of the said clerk, to keep a faithful record of all the doings and votes of the inhabitants of said village, at their annual meetings and other legal meetings, in another book, to be in like manner provided by said trustees; and the said trustees, or a majority of them, are hereby authorised to remove or displace the said clerk, when and as often as they shall think fit, and another in his stead to elect, nominate and appoint; and such clerk, so removed or displaced, shall, on the order of said trustees, or a majority of them, deliver up to his successor all such records, books, papers and muniments whatsoever, as shall be in his custody by virtue of his office; and in case of neglect or refusal so to do, the said clerk shall forfeit

and pay such sum, not exceeding twenty-five dollars, as the said trustees, or a majority of them, shall impose, to be recovered by action of debt, with costs, in the manner herein before directed for the recovery of penalties or forfeitures, imposed by the by-laws of the said trustees.

XI. *And be it further enacted,* That the place of holding every annual meeting for choosing trustees, after the first Monday of May next, and also the time and place of holding every other meeting of the freeholders and inhabitants of said village, shall be appointed and notified, at least one week previous to the holding of any such meeting, by the said trustees, or the majority of them, in the manner specified in the second section of this act.

Notice of meetings.

XII. *And be it further enacted,* That the amount of monies to be raised by tax in any one year, shall not exceed one thousand dollars: *And further,* that the collector shall, within such time as shall hereafter be provided for by the by laws of the said corporation, next after the receipt of his warrant for collecting any tax that may have been ordered to be raised, collect and pay the same to the treasurer; and that all monies which may at any time be in the hands of the treasurer, shall be liable to be drawn out by the trustees, or the major part of them, and applied and disposed of as shall have been directed by the freeholders and inhabitants of said village.

Amount to be raised.

Collector to pay the same to the treasurer.

XIII. *And be it further enacted,* That whensoever any tax or assessment of any description on lands or tenements, which shall be made and confirmed according to law, shall remain unpaid on the day upon which the collector of the said village is limited by the by-laws thereof to account to the treasurer for the collection of the same, and the collector shall make affidavit before any judge or justice of the peace of the county in which the said village is or shall be situated, that the owner or owners of the premises on which the same is imposed, could not upon diligent enquiry be found within the village, or that being found, he, she or they had not sufficient personal estate on said premises, within the said village, whereof the said tax could be levied, it shall and may be lawful for the trustees of the said village to make an order requiring the treasurer of the said village to advertise the same in one or more of the public newspapers printed within said county, at least once in each week successively, for three months, thereby requiring the owner or owners of such lands and tenements respectively to pay the amount of such tax, so remaining unpaid, to the said treasurer, or that in default thereof, such lands and tenements will be sold at public auction, at a day and place therein to be specified, for the lowest term of years at which any person shall offer to take the same, in consideration of advancing the amount of the tax so remaining unpaid, together with all the costs and charges accrued therein; and if notwithstanding such notice, the owner or owners shall refuse or neglect to pay the amount of such tax, with the charges attending such notice and advertisement, and the costs and charges aforesaid, then it shall and may be lawful for the said trustees, or a majority of them, to cause such lands and tenements to be sold at public auction, for a term of years, for the purposes and in the manner expressed in the said advertisement, and to give a declaration of such sale to the purchaser, under the hand of the president and seal of the said corporation, and

Lands may be sold.

President to sign the declaration

such purchaser, his executors, administrators and assigns shall, by virtue thereof and of this act, lawfully hold and enjoy the same, for his and their own proper use, against the owner or owners thereof, and all persons claiming under such owner or owners, until his said term therein shall be fully complete and ended, and be at liberty to remove all buildings which he, she or they shall erect thereon, during the said term, within one month after the expiration thereof: *Provided always*, that no such proceedings by sale as aforesaid, shall take place under any assessment to be made and confirmed, unless in cases when the said assessment is declared by law to be a lien or charge upon the lands and tenements assessed: *And provided also*, that it shall be lawful for such owner or owners to redeem such lands or tenements so sold, at any time within two years after such sale, by paying the principal sum for which the same has been sold, together with interest at the rate of fourteen per cent. per annum: *And provided further*, that such purchaser or his assigns may remove all buildings which he or they may have erected thereon, within one month after such redemption.

Proviso.

Taxes on real estate a lien thereon.

XIV. *And be it further enacted*, That the person in possession of any real estate in the said village, at the time any tax is to be collected, shall be liable to pay the tax assessed thereon, and in case such person is not bound by agreement or otherwise to pay such tax, or any part or proportion thereof, he or she shall or may recover the same amount from the owner of such real estate, or other person whose duty it was to pay the same, and all taxes upon any real estate in said village shall be a lien thereon.

XV. *And be it further enacted*, That the officers to be elected, or in case of vacancy appointed by virtue of this act, shall hold their respective offices until the first Monday in May next after their election or appointment as aforesaid, and until a new election of the officers of said village shall be made, pursuant to this act, and until the officers so last chosen shall take and subscribe the oath or affirmation of their respective offices.

XVI. *And be it further enacted*, That the trustees shall keep a just and accurate account of their necessary expenses and disbursements, at all reasonable times open to the inspection of the inhabitants of the said village, and on exhibiting the same to the treasurer, shall be entitled to receive the amount thereof, out of any monies in the treasury, not otherwise appropriated; and that the treasurer, collector, assessors and clerk shall be paid for their services such suitable compensation as the said trustees, or a majority of them, by by-law of the corporation shall provide; and that the said trustees shall receive from the treasurer, for their services, such compensation as the inhabitants of the said village, at their annual meetings, shall think proper to grant and allow.

Certain officers to be paid.

Treasurer to pay money only to the order of the trustees,

And exhibit an account.

XVII. *And be it further enacted*, That it shall not be lawful for the treasurer to pay any money out of the treasury of said village, except on the order of the said trustees, or a majority of them; and it shall be the duty of the said treasurer, at the annual meeting of the inhabitants of the said village, to exhibit an account of all monies by him received and paid out during the preceding year; which account shall, on some day in the week preceding the said annual meeting, be exhibited to and examined and audited by the

the said trustees: *And further*, the said trustees, or a majority of them, shall, at the said annual meeting, likewise exhibit an account of all monies by them received or drawn from the treasury, and also all monies by them paid out and expended for the use of said village, during the preceding year, specifying the objects and purposes severally for which the same were paid, laid out and expended.

Trustees to exhibit an account.

XVIII. *And be it further enacted*, That the constables and the pound keepers to be chosen or appointed by virtue of this act, shall respectively be invested with the same powers and authority, entitled to the same fees and rewards, and subject to the same duties, in all cases within said village, as by law appertain or belong respectively to the constables and pound masters chosen at the annual town meetings of the town of Gates: *And further*, that it shall be the duty of the said constables to give notice to the said trustees of all such breaches and violations of any of the ordinances and by-laws of said village as shall come to their knowledge.

Constables and pound keepers. Constables duties.

XIX. *And be it further enacted*, That this act shall be, and the same is hereby declared to be, a public act, and shall be construed in all courts of justice within this state benignly and liberally to effect every beneficial purpose therein mentioned and contained.

A public act.

CHAP. XCVII.

AN ACT to authorise the justices of the peace of the town of Easton, in the county of Washington, to appoint a collector to perform certain duties omitted by their late collector.

Passed March 21, 1817.

BE it enacted by the people of the state of New-York, represented in senate and assembly, That it shall and may be lawful for the justices of the peace of the town of Easton, in the county of Washington, to appoint a collector for the said town, which said collector, on the receipt of the warrant and tax list of the late collector of the said town, shall have the like power and authority to collect all taxes due and unpaid on the said tax list, as if the said warrant was by law returnable on the first day of June next; and the treasurer of the said county shall settle with the said collector in the same manner, relative to any deficits, as if the same had been returned on the day directed by law for that purpose: *Provided however*, That nothing herein contained shall be held, construed or taken to release the sureties of the late collector from any liability incurred by them, by or in consequence of their said suretyship.

Appointment of a collector

Treasurer to settle with collector.

CHAP. XCVIII.

AN ACT for the relief of Joseph Slason and Dutcher Slason.

Passed March 21, 1817.

WHEREAS Henry Slason, in and by his last will and testament, dated the sixteenth day of May, one thousand eight hundred

and four, constituted and appointed Dutcher Slason and Joseph Slason executors of his said will, and devised to them, their heirs and assigns, all his real estate, subject to the payment of divers legacies, and in and by the said will restricted them from selling lot number one hundred and two, and the west part of lot number one hundred and three, then in the occupation of Platt Titus, situate in the village of Troy, until all the legacies mentioned in the said will should be first paid and satisfied: *And whereas*, the said Joseph Slason and Henry Slason, executors and devisees as aforesaid, have by their petition to the legislature, represented that several of the legatees named in the said will are still minors under the age of twenty-one years, and that they are restricted in and by the said will from paying the said legacies until the said legatees shall arrive at the age of twenty-one years, and praying to be enabled sell the said house and lot: *And whereas* the prayer of the said petitioners appears to be just and reasonable: Therefore,

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the said Joseph Slason and Dutcher Slason, and they are hereby authorised and empowered to sell and dispose of the said lot number one hundred and two, and the west part of lot number one hundred and three, situate in the city of Troy, and to execute to the purchaser or purchasers thereof, such releases and conveyances therefor, as shall be approved of by the chancellor of this state, subject to and reserving a lien upon the said lots, for the payment of all the legacies and devises charged upon the said premises, in and by the said will of Henry Slason deceased, which shall not have been paid and satisfied at the time of the execution of such conveyance; which conveyance or conveyances, shall vest in the purchaser or purchasers of the said premises, all the estate, right and title, which the said Henry Slason had, of, in or to the same, at the time of his decease, subject to the lien and reservation aforesaid, any thing in the said will, to the contrary thereof, in any wise, notwithstanding.

CHAP. XCIX.

AN ACT to revive the act, entitled "an act to incorporate the Tioga turnpike company," and to amend the act to incorporate the Owego turnpike road company.

Passed March 21, 1817.

I. BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the act, entitled "an act to incorporate the Tioga turnpike company," passed April 9th, 1811, be and the same is hereby revived, with all its provisions, and that the said company have the farther time of five years from the passing of this act for completing the said road; and that Jacob Wilkey, Silas Hutchinson and John Johnson, be commissioners for opening books to receive subscriptions, instead of the commissioners appointed by the said act.

II. And be it further enacted, That the time for completing the

Owego turnpike road, be and the same is hereby extended to the first day of January, one thousand eight hundred and twenty-two, any thing in the act hereby amended to the contrary notwithstanding.

CHAP. C.

AN ACT to amend an act, entitled "*an act to incorporate the Philipstown turnpike company, in the county of Putnam.*"

Passed March 21, 1817.

I. BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the Philipstown turnpike company, in lieu of the toll-gates now authorised by law, upon the said turnpike road, to erect a gate not less than one or more than three miles from the termination of the road on Hudson's river; and a gate not less than two or more than eight miles west from the meeting house in the village of Patterson; and another gate not less than two miles east from the said meeting house; at which several gates, when erected according to law, the said company may demand and receive one-half of the tolls allowed by the act of their incorporation, and no more: and the said company may also erect on the said road a gate not less than six or more than twelve miles from the termination of the road at the river, at which gate, when erected according to law, the said company may demand and receive the full tolls allowed by the act of their incorporation.

May erect gates.

II. And be it further enacted, That it shall and may be lawful for the said company, to work, improve and make a certain road, about two miles and a half in length, which intersects the said turnpike road at about two miles from Hudson's river, and joins the post road between the cities of New-York and Albany, at Lobdell's tavern; and also to lay out and make a good and sufficient road from the court house in the town of Carmel, to join the said turnpike road at about eleven miles and three quarters of a mile from the said river, and to erect a half toll-gate upon the same; which said roads, when completed, shall be deemed and considered to all intents and purposes parts of the said turnpike road.

May improve common roads.

III. And be it further enacted, That it shall and may be lawful for the said company to apply from time to time, in their discretion, out of the profits arising from the tolls upon the said road, such sum or sums of money as they may think proper, to the improvements of any of the common roads, joining or intersecting the said turnpike road, made in pursuance of the act hereby amended, or joining or intersecting either of the said roads annexed to the same by virtue of the preceding section of this act.

IV. And be it further enacted, That the number of directors of the said Philipstown turnpike shall, from and after the next annual election, be nine; and the capital stock thereof increased to forty thousand dollars; and that any thing in the act hereby amended, inconsistent with the provisions of this act, be and the same is hereby repealed.

Directors to be chosen.

Stock.

LAWS OF NEW-YORK:

V. *And be it further enacted*, That this act shall be deemed and taken in all courts and places a public act.

CHAP. CI.

AN ACT to alter the name of the town of Eastern, in the county of Chenango.

Passed March 21, 1817.

BE it enacted by the people of the state of New-York, represented in senate and assembly, That from and after the first day of May next, the town of Eastern, in the county of Chenango, shall be called and known by the name of Guilford, instead of Eastern.

CHAP. CII.

AN ACT to confirm the proceedings of the courts of common pleas and general sessions of the peace, held in and for the county of Allegany.

Passed March 21, 1817.

WHEREAS a court of common pleas and a court of general sessions of the peace were held in and for the county of Allegany, on the fourth Tuesday of June and October, in the year of our Lord one thousand eight hundred and thirteen, and on the third Tuesday of January, in the year of our Lord one thousand eight hundred and fourteen, according to the provisions of an act, passed the eleventh of March, one thousand eight hundred and eight, authorising the holding of three terms of the courts of common pleas and general sessions of the peace, in and for the county of Allegany, and it appearing that the terms of holding such courts were altered in the revised laws of the year one thousand eight hundred and thirteen, by accident or mistake, the same alteration not being known to the said court, by reason whereof legislative aid is required to make valid the proceedings of the said courts: Therefore,

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That the proceedings of the courts of common pleas and general sessions of the peace, held in and for the county of Allegany, on the fourth Tuesday of June and October, in the year of our Lord one thousand eight hundred and thirteen, and on the third Tuesday of January, in the year of our Lord one thousand eight hundred and fourteen, shall be as valid to all intents and purposes as if the same had been authorised by law.

II. *And be it further enacted*, That hereafter, there shall be three terms of the court of common pleas, and three terms of the court of general sessions of the peace in said county of Allegany, in every year, to commence on the fourth Tuesday of June and October, and second Tuesday of February, which may be held until the Saturday next after the commencement of each term, inclusive.

CHAP. CIII.

AN ACT further to amend the act, entitled "an act to establish a turnpike corporation for improving and making a road from the village of Bath, in the county of Steuben, to lake Erie, and for other purposes."

Passed March 21, 1817.

I. BE it enacted by the people of the State of New York, represented in Senate and Assembly, That the term for completing the lake Erie turnpike road from the village of Bath, in the county of Steuben, to the bridge across Angelica creek, in the town of Angelica, in the county of Allegany, shall be and hereby is enlarged and extended to the first day of November, which will be in the year one thousand eight hundred and twenty.

Term for completing road extended.

II. And be it further enacted, That the charter of the corporation of the president and directors of the lake Erie turnpike company, shall not be considered to have become forfeited by reason of the default of the said corporation, heretofore, to complete the said road, and that they shall be and hereby are relieved against the forfeiture and all penalties, pains and disabilities whatsoever, arising or accruing therefrom.

Against forfeiture.

III. And be it further enacted, That it shall be the duty of the supervisors of the county of Allegany, at their annual meeting on the first Tuesday of October next, to levy and raise by tax, on the freeholders and inhabitants of the towns of Angelica, Friendship and Alfred, in the county of Allegany, in due proportion, having regard to the amount of the respective assessment rolls of the said several towns, the sum of five hundred dollars; and at their annual meeting on the first Tuesday of October, 1818, the further sum of five hundred dollars; and at their annual meeting on the first Tuesday of October, 1819, also the further sum of five hundred dollars, over and above the ordinary expenses of collecting the same; which several sums may be drawn from the treasury of said county upon the order of Asa Lee Davison, Samuel Darby and John Hooker, or any two of them, who are hereby appointed commissioners for laying out the same on that part of the lake Erie turnpike road, which lies within the county of Allegany; and it shall be the duty of the president and directors of the said turnpike company, to permit the supervisors of the said towns of Angelica, Friendship and Alfred, if they shall deem it expedient, to subscribe to the stock of said company, for the benefit of the said towns, according to the amount of money by them levied and raised respectively.

Supervisors to raise money.

Supervisors to subscribe to turnpike.

IV. And be it further enacted, That it shall be lawful for the treasurer of the county of Allegany, to borrow the said several sums of money, to be refunded when the same shall be raised as aforesaid.

Treasurer may borrow money.

V. And be it further enacted, That previous to the payment of the said several sums of money, or any part thereof, to the said commissioners, they shall give to the treasurer of the county of Allegany, sufficient security that they will faithfully expend the same, and

Commissioners to give security.

account to the supervisors of the the towns of Angelica, Friendship and Alfred aforesaid.

VI. *And be it further enacted*, That each of the commissioners, appointed by this act, shall be allowed two dollars per day for each day that he may be necessarily employed in discharging the duties imposed by this act, to be audited as a contingent county charge, and paid as such.

CHAP. CIV.

AN ACT for building a toll bridge over the Genesee river.

Passed March 21, 1817.

I. *BE it enacted by the people of the state of New-York, represented in senate and assembly*, That Worthy L. Churchill, Taber Ward, Edward Waterous, and all such other persons as shall associate with them, their heirs or assigns, be and they are hereby authorised and empowered, at their own expense, to build a toll bridge over the Genesee river, at the town of Avon, in the county of Ontario, at or near the site of the bridge which has recently fallen, agreeable to the directions and dimensions following, to wit: the said bridge shall be built upon good stone abutments, of substantial mason work, and shall not be less than twenty-four feet in width, and covered with plank not less than three inches thick, so as to be secure for the passage of carriages and horses; and it shall and may be lawful for the said Worthy L. Churchill, Taber Ward, Edward Waterous and associates, their heirs or assigns, to ask, demand and take, for the use of the said bridge, until the second Tuesday of November, in the year one thousand eight hundred and eighteen, a toll, not exceeding the following rates, to wit: for every four wheel pleasure carriage and two horses, twenty-five cents, and for every additional horse in such carriage, six cents; for every two wheel pleasure carriage, with one horse, twelve and an half cents, and for every additional horse, six cents; for every stage waggon, with four horses, twenty-five cents; for every cart, waggon, sleigh or sled, with two horses or other beasts, twelve and an half cents, and for every additional horse or beast, six cents; for every cart, waggon, sleigh or sled, with one horse or other beast, nine cents; for every score of horses, mules, asses or neat cattle, thirty cents, and so in proportion for a greater or less number; for every score of sheep or hogs, ten cents, and so in proportion for a greater or less number; for every man and horse, six cents; for every footman or single passenger, three cents: and if the said bridge, so to be built, shall, at any time thereafter, and during the term herein after mentioned, be carried away, thrown down or destroyed by a freshet or other unavoidable accident, the persons, so to be associated as aforesaid, shall be allowed one year, from the time of such casualty, to rebuild the said bridge, according to the directions and dimensions aforesaid: *Provided*, That after the expiration of twenty years after the passing of this act, the said bridge shall be, and is hereby declared to be, a public bridge and free of toll; and it shall be the duty of the said com-

Associates.

Tolls.

One year to rebuild the bridge.

Proviso.

pany to leave the said bridge in good repair, at the expiration of the said time: *And provided further*, That in case the said bridge shall be destroyed and not rebuilt, within the time herein before provided for such purpose, this act, and the grant herein contained, shall thereupon cease and determine: *And provided also*, That the legislature may, from time to time, pass such other laws in relation to the said bridge, for the more effectually keeping the same in good order and repair, as to them shall seem proper.

II. *And be it further enacted*, That it shall be the duty of the said proprietors to make an annual report to the court of common pleas, of the county of Ontario, at their November term, of all such sum or sums as they may have received for every description of passing on said bridge, with the expense of gate tending, repairs, and every other expense incidental thereto, including, in the first report to be made the second Tuesday of November, in the year one thousand eight hundred and eighteen, the expense of building said bridge on the oath of the gate keeper and of one or more of the said proprietors, that the same is just and true according to the best of their knowledge and belief; and the said court is hereby authorised and empowered, from time to time, to alter and regulate the said rates of toll, not, however, to increase the same to exceed the allowance granted by this act: *And further*, That the legislature may at any time, on the suggestion of said court, declare said bridge a public bridge and free of toll.

To report annually.

Court may alter tolls.

III. *And be it further enacted*, That the said Worthy L. Churchill, Taber Ward and Edward Waterous, shall, before they commence the building of the said bridge, give such security as a majority of the judges of the courts of common pleas of the counties of Genesee and Ontario shall, in writing, under their hands, judge adequate and sufficient, by bond, in the name of the people of the state of New-York, with condition that a good and sufficient bridge, of the dimensions before mentioned, shall be built and erected within one year, from and after the passing of this act, over the said Genesee river, at the place before prescribed, and that if the said bridge shall be taken away as aforesaid, the same shall be rebuilt within one year thereafter, and that the same shall be kept and maintained in good order and repair until the expiration of the said term of twenty years, and that no other or greater toll shall be demanded or received than is by this act allowed; which security shall be deposited with the clerk of the county of Ontario; and in case any violation or breach thereof shall occur in the said security, it shall be lawful for the board of supervisors, of either of the counties aforesaid, to cause the same to be put in suit, in the name of the treasurer of either county; and in case it shall appear in such suit, by a judgment therein to be had, that the said bridge hath not been built within the time limited for that purpose, or that the same hath not been duly kept in repair or maintained according to the term of the security aforesaid, then, and in that case, the privileges hereby granted to the said Worthy L. Churchill, Taber Ward, Edward Waterous and their associates, shall cease and be utterly void, any thing herein contained to the contrary notwithstanding.

Commissioners to give security.

Supervisors shall put in suit, &c.

Grant when void.

IV. *And be it further enacted*, That during the said term of twenty years, no other bridge shall be erected over the said Genesee river

No other bridge or fer.

ry to be e-
sected.

within two miles above or below the bridge by this act authorised to be built, nor shall any public ferry be maintained or kept within the same space during the like period: *And further*, it shall be lawful for the said Worthy L. Churchill, Taber Ward, Edward Waterous and their associates, to remove the materials of the old bridge, which hath fallen near or at the site of the bridge contemplated to be built by virtue of this act, or to apply such materials in the formation of the bridge hereby authorised to be built.

Banks of riv-
er shall not
be removed.

V. *And be it further enacted*, That it shall not be lawful to dig down, remove, reduce or take away any part of the banks of the said Genesee river, at or near the bridge authorised to be built by this act, so as to endanger or destroy the said bridge, or the abutments or other part thereof, under the penalty of five hundred dollars, besides costs, to be recovered in the name and for the benefit of any person who will sue for the same; besides, such offender shall be liable in damages, at the suit of the said Worthy L. Churchill, Taber Ward and Edward Waterous, their heirs or assigns, or at the suit of either of them, for the benefit of the whole.

May sue for
delays at the
bridge.

VI. *And be it further enacted*, That if any person shall be unreasonably hindered, prevented or delayed in passing over the said bridge, it shall be lawful for the party injured to sue any one or more of the proprietors of the said bridge for the damages by him sustained; and in such suit not less than ten dollars shall be awarded in damages, besides costs, to the party aggrieved; and such action shall be an action on the case under this act, and the defendants shall not be permitted to plead in abatement that all the parties in interest in the said bridge are not made parties in the said suit.

Certain per-
sons free of
toll.

VII. *And be it further enacted*, That all persons living within two miles of the said bridge, and going to or returning from their daily labor, or going to or returning from their usual place of public worship, or going for or returning from, or with a physician or midwife, or going to or returning from a mill, and that all troops, whether of this state or of the United States, when under orders, marching on foot, shall be allowed, at all times, to pass the said bridge free of toll, any thing in the first section of this act to the contrary notwithstanding.

Penalty for
riding faster
than a walk.

VIII. *And be it further enacted*, That in crossing the said bridge with carriages, horses or cattle, the same shall not be rode or driven at a faster rate than on a walk, on the penalty of one dollar, to be paid by the persons respectively riding or driving the same, to be recovered with costs before any justice of the peace of the counties of Ontario or Genesee, in the name of either of the proprietors of the said bridge, for the use of the said proprietors.

IX. *And be it further enacted*, That this act shall be, and is hereby declared to be, a public act, and shall be benignly and favorably construed for all the beneficial purposes thereby intended.

CHAP. CV.

AN ACT to alter the time of holding town meetings in the town of Ellicott.

Passed March 21, 1817.

BE it enacted by the People of the state of New-York, represented in Senate and Assembly, That from and after the first day of May next, the town meetings in the town of Ellicott, in the county of Chautauque, shall be holden on the first Tuesday of March annually; and that all such officers, whose duty it is to meet on the last Tuesday of March, shall meet on the last Tuesday of February, in every year, to do and transact such business as to their respective offices may appertain.

CHAP. CVI.

AN ACT postponing, for one week, the next sittings appointed to be held in the city of New-York, and appointing an oyer and terminer and circuit court in the county of Chautauque.

Passed March 21, 1817.

I. Be it enacted by the people of the State of New-York, represented in senate and assembly, That the sittings appointed by the supreme court to be held in and for the city of New-York, on the first Tuesday in April next, be and the same is hereby postponed until the second Tuesday in April next; and that all jury process, notices, subpoenas and other proceedings, issued, given or had, for the said first Tuesday of April, shall enure and take effect as though the said court had not been postponed, and the proceedings on the record shall be in the same form as if the said sittings had been opened and held on the said first Tuesday in April, and regularly adjourned from day to day.

II. And be it further enacted, That a circuit court and court of oyer and terminer and gaol delivery, shall be holden in and for the county of Chautauque, on Wednesday the ninth day of July next, at the court house of said county.

CHAP. CVII.

AN ACT for the pardon of Daniel Northrup.

Passed March 21, 1817.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the said Daniel Northrup be, and hereby is, fully and absolutely pardoned of the offence of which he stands convicted.

CHAP. CVIII.

AN ACT to amend an act, entitled "*an act concerning the inspection of seal leather*," passed March 5th, 1813.

Passed March 21, 1817.

Be it enacted by the people of the state of New-York, represented in senate and assembly, That the person administering the government of this state, by and with the advice and consent of the council of appointment, shall, from time to time, and as often as a vacancy shall occur, appoint an inspector of seal leather for the village of Lansingburgh, in the county of Rensselaer; and such inspector shall, before he proceeds to execute the duties of his office, take and subscribe, before one of the judges of the court of common pleas of the county of Rensselaer, the oath prescribed in the act hereby amended.

II. *And be it further enacted*, That the duties, regulations, provisions and penalties, prescribed in the act hereby amended, shall, in every respect, be in force and apply to the village of Lansingburgh aforesaid.

CHAP. CIX.

AN ACT authorising a loan of money to the trustees of the college of physicians and surgeons of the city of New-York.

Passed March 21, 1817.

BE it enacted by the people of the state of New-York, represented in senate and assembly, That whenever the trustees of the college of physicians and surgeons in the city of New-York, shall execute and deliver to the comptroller a release and assignment, to the people of this state, of the right and interest of the said trustees to twenty thousand dollars of the monies to be raised for their use, by lottery, in virtue of the act, entitled "*an act instituting a lottery for the promotion of literature, and for other purposes*," passed April 13th, 1814; and shall also execute their bond to the said people, in the sum of ten thousand dollars, conditioned for the regular semi-annual payment of the interest on the said sum of twenty thousand dollars, until the said sum shall be raised and paid into the treasury of this state, in virtue of the said act and of the said release and assignment, it shall be lawful for the said comptroller to borrow the said sum on behalf of this state, and to pledge, for the repayment thereof, so much of the monies so as aforesaid to be raised by lottery, as shall be so as aforesaid assigned, and to engage also, on behalf of this state, to pay the interest semi-annually, out of any unappropriated money in the treasury, and thereupon to pay the said sum of twenty thousand dollars to the said trustees, or to their treasurer.

CHAP. CX.

AN ACT concerning the lands lately purchased from the Onondaga Indians, and for other purposes.

Passed March 28, 1817.

I. BE it enacted by the People of the state of New-York, represented in Senate and Assembly, That the surveyor general shall cause the lands, purchased at a late treaty with the Onondaga Indians, to be surveyed into lots not exceeding one hundred and sixty acres each, and sell the same, with the improvements thereon, in the manner and on the conditions mentioned in the fifteenth and sixteenth sections of the act, entitled "an act concerning the commissioners of the land office, and the sale of unappropriated lands," passed April 6th, 1813.

To be surveyed into lots.

II. And be it further enacted, That the monies arising from the sales of said lands shall be paid into the treasury, and be subject to the ordinary appropriations of the legislature.

Monies to be paid into treasury.

III. And be it further enacted, That it shall be lawful for the person administering the government of this state, to appoint a special agent or attorney, residing near the premises, to prosecute, on behalf of the people of this state, for all trespasses on said lands until they shall be sold as aforesaid, and to allow him such compensation for his services as shall be just and reasonable.

Agent to be appointed.

IV. And be it further enacted, That in every case in which any improvements, made on lands belonging to the people of this state, are by law directed to be appraised in favor of any occupant, it shall be the duty of the appraisers, in making out their appraisement, to deduct from the appraised value of such improvements a reasonable allowance for the use of the lands by the occupant, and also for the deterioration of the value thereof by his cutting and carrying away timber therefrom, during such occupancy, or causing it to be done.

Improvements to be appraised.

CHAP. CXI.

AN ACT for the relief of Francis C. Pruyn.

Passed March 28, 1817.

BE it enacted by the People of the state of New-York, represented in Senate and Assembly, That on payment, by Caspares F. Pruyn, of the principal and interest of a mortgage and bond executed to the people of this state, by Francis C. Pruyn, it shall be lawful for the comptroller to assign and set over all the right and title of the said people in and to the said mortgage and bond, together with the monies secured thereby, to the said Caspares F. Pruyn, his executors, administrators and assigns: *Provided always,* That such assignment shall not be construed to bind the said people to insure the eventual payment of the mortgage money or interest, or the validity of the said mortgage and bond.

CHAP. CXII.

AN ACT to appoint commissioners to designate the site for a court house and gaol in the county of Hamilton.

Passed March 28, 1817.

I. BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That John Fay, John Watts Cady and Peter Brooks, junior, be and they are hereby appointed commissioners for designating the site for a court house and gaol, to be erected in the county of Hamilton; and that the said commissioners shall, previous to the first day of October next, repair to the said county, and, after exploring the same, ascertain and determine by writing, under their hands and seals, to be filed of record in the clerk's office of the county of Montgomery, a fit, convenient and proper place, in said county, for erecting said court house and gaol; and the said commissioners are hereby authorised to purchase so much land as shall be necessary for the purpose of erecting said court house and gaol, not exceeding one acre, and to procure a good and sufficient title for the same to the supervisors of the county of Hamilton, and their successors in office, for ever, in trust, for the sole use and benefit of the inhabitants of said county; which deed or conveyance, after being duly recorded, shall be deposited with the clerk of the county of Montgomery: *Provided*, That any two of said commissioners, in case of non-attendance of the other, shall be competent to discharge the trust aforesaid, and the concurrence of a majority of the said commissioners shall be final and conclusive in the premises.

II. And be it further enacted, That the said commissioners shall receive at and after the rate of two dollars per day, for each and every day they shall be employed in executing the trust aforesaid; and in order to defray the expenses to be incurred in the execution of this act, it shall be the duty of the supervisors of the county of Montgomery, and of the towns in the county of Hamilton, at their next annual meeting, to direct to be levied and raised, on the freeholders and inhabitants of the said county of Hamilton, such sum or sums of money as they may deem necessary for the purposes aforesaid; and the treasurer of the said county of Montgomery is hereby authorised and required to pay the same out of any monies to be levied and raised as aforesaid, which may be in the treasury.

CHAP. CXIII.

AN ACT to incorporate the auxiliary New-York bible and common prayer book society.

Passed March 28, 1817.

WHEREAS Edward N. Cox, William E. Dunscomb, Floyd Smith, John Watts, jun. Ferris Pell and others, have formed themselves into a society, under the name and style of "the auxiliary New-York bible and common prayer book society," for the purpose

of the gratuitous distribution of the holy scriptures, and the book of common prayer, and have by their petition to the legislature, prayed to be incorporated, in order the better to promote the above laudable purposes: Therefore,

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly,* That all such persons as now are, or hereafter may become members of the said society, shall be and hereby are ordained, constituted and appointed a body politic and corporate, in fact and in name, by the name of "the auxiliary New-York bible and common prayer book society," and that by that name they and their successors shall and may forever thereafter have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, in all courts and places whatsoever, in all manner of action and actions, suits, matters, complaints and causes whatsoever; and that they and their successors may have a common seal, and may change and alter the same at their pleasure; and also that they and their successors, by the name of "the auxiliary New-York bible and common prayer book society," shall be in law capable of purchasing, holding and conveying any real or personal estate for the use of the said society: *Provided always,* that such real and personal estate shall not at any time exceed the annual value of six thousand dollars; and that for the better carrying into execution the objects of the said society, there shall be a board of managers, all the members of which shall be lay-men, and which shall consist of one president, three vice presidents, one corresponding secretary, one recording secretary, one treasurer, one agent and eighteen other members, making in all twenty-six; that the officers of the board shall be equally officers of the society, and the said managers and officers shall hold their offices for one year, or until others are chosen in their room, and shall be elected on the festival of the conversion of St. Paul, or on the following day, if that festival fall on Sunday, or at such other time and place, and in such manner as the said society, at a regular meeting thereof, shall from time to time appoint and direct; and that in case any vacancy should happen in either of the said offices, by death, resignation or otherwise, such vacancies shall and may be filled up for the remainder of the year, in which they shall happen, by an election of the board of managers, to be held in such manner, and at such times and places, as the said board of managers may appoint and direct; and that Edward N. Cox, Guy C. Bailey, Gerardus A. Cooper, Floyd Smith, Benjamin Haight, William Onderdonk, jun. I. Smith Rogers, Thomas N. Stanford, Clement C. Moore, Edward R. Jones, William E. Dunscomb, John Watts, jun. John H. Hill, Anthony Barclay, Alexis P. Proal, William H. Harrison, Charles Keeler, Luther Bradish, Cornelius R. Duffie, David A. Clarkson, Duncan P. Campbell, Louis Loutreel, Ferris Pell, John Anthon, Charles Nichols and Benjamin W. Rogers, shall be the first managers of the said society, and that Edward N. Cox, shall be the president, Guy C. Bailey, the first vice president, Gerardus A. Cooper, the second vice president, Floyd Smith, the third vice president, Benjamin Haight, the corresponding secretary, William Onderdonk, jun. the recording secretary, I. Smith Rogers, the treasurer, and Thomas N. Stanford, the agent thereof, until the next day

Incorporated

Common seal

May hold real estate

Provide.

Board of managers.

Their election.

Vacancies

Managers

President & other officers

on which the festival of the conversion of St. Paul shall fall, or until others shall be chosen in their stead.

By laws.

II. *And be it further enacted*, That the said corporation and their successors, shall have power to make and establish such by-laws rules and regulations, as they from time to time shall judge proper, for the election of their officers, for the election or admission of new members of the said corporation, and also, for the management and disposition of the stock, property, estate and effects, for the purpose of carrying into effect the objects of the said society, and for fixing the times and places of the meetings of the society, for regulating the manner of conducting their business when met, and touching the duties and conduct of the officers of the said corporation, and all such other matters as appertain to the business and purposes for which the said corporation is by this act constituted, and for no other purposes whatsoever: *Provided always*, that no regulations shall be made, in any way to control the religious principles or affect the rights of conscience of any person whatsoever: *And provided further*, that such by-laws, rules and regulations, be not repugnant to the constitution or laws of the United States, or of this state.

Otherwise.

Five may do business.

Like associations may be formed.

III. *And be it further enacted*, That at every ordinary or extraordinary meeting of the said society, when five members are met, they shall have power to adjourn from time to time, and when fifteen are met, they shall have full power to do and transact all the business thereof; and that the said corporation shall be and endure for twenty years; and that this act shall be a public act, and shall be construed favorably, in all courts and places, for every purpose therein intended.

IV. *And be it further enacted*, That whenever any five or more persons, being inhabitants of this state, shall at any time hereafter associate themselves, for the laudable purposes mentioned in this act, it shall be lawful for them to choose the officers contemplated by this act, and thereupon to file in the office of the secretary of this state, a description of the said association, by their corporate name, and upon filing such certificate they shall be entitled to all the benefits, privileges and immunities, and be subject to all the rules, regulations and restrictions mentioned and expressed in this act.

CHAP. CXIV.

AN ACT authorising the building a toll bridge over the Oswego river.

Passed March 28, 1817.

Preamble.

WHEREAS, by an act of the legislature of this state, passed June 19th, 1812, authority was given to Matthew M'Nair, and others his associates, to build a toll-bridge over the Oswego river: *And whereas*, for reasons not in the power of the grantees to control, the charter for the said bridge did expire on the 19th day of June, 1815: *And whereas* Barnet Mooney, Richard Fally, Cyril Wilson,

Asa Duntun, Amos Fields and others, have, by petition, prayed a revival of the grant aforesaid, to themselves, their heirs and assigns: Therefore,

I. *BE it enacted by the people of the state of New-York, represented in senate and assembly*, That Barnet Mooney, Richard Falley, Cyril Wilson, Asa Duntun, Amos Fields, and all other persons who shall associate for the purpose of erecting a toll bridge over the Oswego river, below and not to exceed one mile from the Oswego falls, shall be and are hereby made a corporation, in fact and in name, by the name and style of "the Oswego union bridge company," and by that name they and their successors shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto; defending and being defended, in all courts and places whatsoever, in all manner of suits, actions and causes whatsoever; and that they and their successors shall be in law capable of purchasing, holding and conveyancing any estate, real and personal, for the public use of the said corporation: *Provided*, that the whole estate of the said corporation does not exceed the sum of ten thousand dollars, and shall not consist of more than four hundred shares, each of which shares shall be but twenty-five dollars: *And provided further*, that the said corporation shall in no wise build or commence to build the said bridge, until they shall have contracted with and satisfied the owners of the land on each side of the said river, for liberty and permission so to do.

Declared a body corporate.

Their power

Proviso

II. *And be it further enacted*, That Richard Falley, Cyril Wilson and Asa Duntun, be and they are hereby appointed commissioners to do and perform the several duties hereinafter mentioned, that is to say, on or before the first Tuesday of September next they shall procure three books, and in each of them enter as follows: "We, whose names are hereunto subscribed, do, for ourselves and our legal representatives, promise to pay to the union bridge company the sum of twenty-five dollars for each share set opposite to our respective names, in such manner and proportion, and at such times and places, as shall be determined by said company; one of which books shall be left with each of the commissioners, who shall keep the same open for the purpose of receiving subscriptions; and the said commissioners shall, as soon as two hundred shares shall be subscribed, cause an advertisement to be put up in at least five public places in the towns of Hannibal and Volney, giving at least three weeks notice of the time and place the said subscribers shall meet for the purpose of choosing five directors, who shall be stockholders, for the purpose of managing the concerns of said company for one year, and the day for choosing the said directors shall be forever thereafter the anniversary day of choosing directors, unless otherwise directed by the by-laws of the company; and every three of the said directors shall be a quorum, and capable of transacting the business of said company; and every act of the majority of the said directors, so met, shall be binding on the said company; and the directors shall choose one of their number for their president, one of their number for their treasurer, and another of their number for their secretary; and the said president and directors may meet from time to time, and at such places and times as they shall think proper, and shall have power to make such by-laws, rules orders and regula-

Commissioners appointed.

Their duties.

Shares

Directors.

Three a quorum.

To choose president, treasurer & Secretary.

Their power

Each share
one vote.

lations, not inconsistent with the constitution of this state or of the United States, as shall be necessary for the well ordering the affairs of the said company, and shall also have power to make by-laws prescribing the time, place and manner of choosing directors for the said company; and that each stockholder shall be entitled to one vote for each share of the stock of the said company which he may own.

Accounts.

III. *And be it further enacted*, That the president and directors of the said company shall, at the next annual election for directors, lay before the stockholders of the said company a general statement of their accounts and proceedings, which statement it shall be the duty of the president to lodge with the treasurer, at least ten days previous to the annual meeting, for the inspection and examination of the stockholders.

Shares trans-
ferable.

IV. *And be it further enacted*, That the shares of the stock of the said company shall be deemed personal estate, and shall and may be transferable, and a certificate of such transfer shall be recorded by the secretary of the said company, in a book to be kept by him for that purpose.

Three years
allowed.

V. *And be it further enacted*, That in case the said bridge shall not be erected within three years from the passing of this act, then the company shall be dissolved.

Width of the
bridge.

VI. *And be it further enacted*, That the said bridge shall not be less than twenty feet wide, and shall be secured with good railing on each side thereof, and with good piers or abutments of stone or wood, or of a part of both, to any extent, that the bridge may be secured and so constructed that boats and rafts shall at all times have a free passage: and on said president's obtaining a certificate from any three of the judges of the court of common pleas of the county of Oswego, stating that the said bridge is completed, agreeable to the requisition of this law, it shall be lawful for said company to have a gate erected at said bridge, and at all times may demand and take of persons crossing the same, the following toll: for every foot passenger, four cents; for every man and horse, twelve and half cents; for every cart, waggon or other wheel carriage drawn by one horse, eighteen cents, and if drawn by two horses twenty-five cents, and in the same proportion if drawn by a greater number; for every horse or mule led or driven, six cents; for every ox or other neat cattle, six cents; for every score of sheep or swine, forty cents.

Toll.

Subscriptions
binding.

VII. *And be it further enacted*, That every person who shall subscribe the instrument prescribed in the second section of this act, shall be deemed to be indebted to the said company, in the sum of twenty-five dollars for each share which he shall subscribe, and the said company may sue for and recover the same; and it shall be lawful for the said company to demand from the stockholders respectively, all such sums of money by them to be subscribed, at such times and in such proportions as they shall judge proper, under pain of forfeiting all their shares, and all the previous payments made thereon to the said company.

Duration.

VIII. *And be it further enacted*, That from and after the expiration of thirty years from and after the passing of this act, the company hereby created shall be dissolved, and the said bridge, with its appurtenances, shall become the property of the people of this

state; and this act shall be deemed a public act, and be construed favorably according to the letter of this act.

IX. *And be it further enacted*, That after the expiration of nine years from the passing of this act, it shall be lawful for the court of common pleas for the county of Oswego, from time to time, to reduce the aforesaid tolls; and that after such reduction, it shall not be lawful for the said corporation to receive any more toll than what the said court of common pleas shall have determined as the proper reduced toll of said bridge. Court may reduce toll.

CHAP. CXV.

AN ACT organising the county of Cattaraugus.

Passed March 28, 1817.

I. *BE it enacted by the people of the state of New-York, represented in senate and assembly*, That the freeholders and inhabitants of the county of Cattaraugus, shall have and enjoy all the rights, powers and privileges which the freeholders and inhabitants of any other county in this state are by law entitled to have and enjoy. Privileges.

II. *And be it further enacted*, That there shall be held, in and for the said county of Cattaraugus, a court of common pleas and general sessions of the peace, and that there shall be three terms of the said courts in every year, to begin and end as follows, that is to say: the first term of the said courts shall begin on the first Tuesday of July in every year, and may continue to be held unto the Saturday following, inclusive; the second term of the said courts shall begin on the first Tuesday of November in every year, and may continue to be held unto the Saturday following, inclusive; and the third term of the said courts shall begin on the last Tuesday of February in every year, and may continue to be held unto the Saturday following, inclusive. May hold courts.

III. *And be it further enacted*, That the courts of common pleas and general sessions of the peace, be holden at some convenient place, from time to time to be appointed for that purpose by the judges for the time being; and that the prisoners of the county of Cattaraugus be confined in the gaol of the county of Allegany, until further legislative aid in the premises. Prisoners where confined.

IV. *And be it further enacted*, That no circuit court or court of oyer and terminer and general gaol delivery, shall be held in and for the said county until the same shall, in the opinion of the justices of the supreme court, become necessary.

V. *And be it further enacted*, That all taxes, heretofore assessed within the county hereby organized, shall be recovered in like manner as if this act had not been passed.

VI. *And be it further enacted*, That until the holding of the first term of the court of common pleas of the said county of Cattaraugus, all deeds, mortgages and other conveyances or writings, relating to real property situate in the said county, shall be recorded in like manner as if this act had not been passed; and from and after the holding of such first term, all deeds, conveyances and writings, whereby the Deeds how recorded.

right or title to any land or tenements, situated in the said county, may be affected either in law or in equity, shall be acknowledged or proved and recorded in the clerk's office of the said county, according to the provisions of the act, entitled "an act concerning the proof of deeds and conveyances."

Congressional district.

VII. *And be it further enacted*, That the said county of Cattaraugus shall continue and remain a part of the twenty-first congressional district in this state.

Suits commenced.

VIII. *And be it further enacted*, That nothing in this act contained shall be construed to affect any suit or action already commenced, or that shall be commenced before the holding of the first term of the courts of common pleas and general sessions of the peace in and for the county, hereby organized, so as to work a prejudice to any of the parties therein, or to affect any criminal or other proceedings on the part of the people of this state, but all such civil or criminal proceedings shall and may be prosecuted to trial, judgment and execution, in like manner as if this act had not been passed.

CHAP. CXVI.

AN ACT to revive the act, entitled "an act to incorporate the Warwick and Minisink turnpike company, and to extend the time for completing the road therein mentioned.

Passed March 28, 1817.

BE it enacted by the people of the state of New-York, represented in senate and assembly, That the act, entitled "an act to incorporate the Warwick and Minisink turnpike company, passed on the second day of March, in the year one thousand eight hundred and ten, be and the same is hereby revived, from and after the passing of this act, with the same force and effect as if the said act of incorporation was now passed: *And further*, That the president and directors of the said corporation, hereby revived, shall have time until the second day of December, one thousand eight hundred and twenty, to complete the road mentioned in the said act: *And further*, That the directors last elected by the said company, shall continue to be the directors thereof until others be chosen in their stead, pursuant to the directions of the act relative to turnpike companies.

CHAP. CXVII.

AN ACT to amend the third section of an act relative to turnpike companies, and to revive an act to incorporate the Walton and Franklin turnpike road company, passed March 23, 1810.

Passed March 28, 1817.

I. BE it enacted by the people of the state of New-York, represented in senate and assembly, That the appraisers to be appointed for the purpose of appraising the damages, agreeable to the third

section of an act relative to turnpike companies, passed the 13th March, 1807, shall, from and after the passing of this act, be appointed by the judges of the court of common pleas of the county, in open court, and upon the written application or petition of the owner or owners of lands taken or used for any turnpike road; *And further*, That in case any such owners of lands shall neglect to make such application at the next court of common pleas, to be holden in the county where they reside, next after being requested so to do by the directors of any turnpike, that then it shall be lawful for the court, in open court as aforesaid, to appoint such appraisers upon the written application or petition of such directors: *Provided always*, That no such turnpike company shall be hindered or prevented from working and improving such turnpike road, while such application before such court as aforesaid, is pending.

Appraisers
to be ap-
pointed.

Proviso.

II. *And be it further enacted*, That the act, entitled "an act to incorporate the Walton and Franklin turnpike company," passed March 23d, 1810, be and the same is hereby revived, with all and singular its provisions and restrictions; and that the said company shall have five years to make and complete the said road, from and after the passing of this act.

Act revived.

CHAP. CXVIII.

AN ACT to amend the act, entitled "an act to incorporate the Schoharie and Cobleskill bridge company," passed March 23th, 1805.

Passed March 28, 1817.

WHEREAS it is represented that the bridge, erected by the said company over the Schoharie creek, is partly broken down, and the part, still standing, in such a state of decay, as to be entirely impassable; and that the rate of toll heretofore received, and the unexpired term of the said act of incorporation, will not justify the petitioners to rebuild the said bridge, as it would be attended with a sacrifice of property, unless there should be an increase of toll and an extension of the charter of said company. Therefore,

Preamble.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That the term of twenty-five years, mentioned in the first enacting clause of the act hereby amended, shall be and the same is hereby continued and extended until the twenty-eighth day of March, one thousand eight hundred and sixty-one, any thing in the said clause hereby amended to the contrary notwithstanding.

Grant ex-
tended.

II. *And be it further enacted*, That it shall and may be lawful for the said president and directors to demand and take, for the use of the said corporation, the following toll, in addition to the rates of toll specified in the ninth section of the act hereby amended, that is to say: for every one horse sleigh, the addition of one cent; for every sled, drawn by two oxen, the addition of two cents; for every man and horse, the addition of one cent; and that it shall and may be lawful for the said president and directors to demand and take,

Tolls.

for the use of the said corporation, a toll, not exceeding eight cents, for every one horse waggon, and four and an half cents for every additional horse.

President's
duty.

III. *And be it further enacted*, That after the passing of this act, the president of the said company shall open a book and receive the subscriptions of said company; and shall give notice for that purpose, in the newspaper printed by the printer to this state, at least four weeks successively; and every person holding stock in said company, who shall not, within four weeks after the insertion of said notice in said paper, and a copy thereof put up on the court house door, in the said town of Schoharie, for the said term of four weeks, subscribe to the amount of stock holden by him or her, shall be deemed to have forfeited the whole of his or her stock, or so much thereof as remains unsubscribed for, for the benefit of said company.

Proviso re-
pealed.

IV. *And be it further enacted*, That the proviso in the ninth section of the act, entitled "an act to incorporate the Schoharie and Cobleskill bridge company," passed March 28th, 1805, and the act, entitled "an act to amend the act, entitled "an act to incorporate the Schoharie and Cobleskill bridge company," passed 12th April, 1816, be and the same are hereby repealed.

CHAP. CXIX.

AN ACT to incorporate the Clinton grammar school.

Passed March 28, 1817.

Proviso re-
pealed.

WHEREAS Salmon Butler and others have, by their petition, represented to the legislature, that they have associated together and erected a building in the town of Paris and county of Oneida, for the use of a grammar school, and have prayed for an act of incorporation—Therefore,

Body corpo-
rate.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That Asahel S. Norton, Joel Bristol, Jesse Curtis, Seth Hastings, junior, and Isaac Williams, and their successors in office, be and they are hereby constituted and declared to be a body politic and corporate, in fact and in name, by the name of the trustees of the Clinton grammar school, and by that name they and their successors shall and may forever hereafter have continual succession, and be capable in law of suing and being sued, impleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits and causes whatsoever; and may have a common seal, and change the same at pleasure; and may hold, receive, purchase, have and possess real and personal estate, and at pleasure sell and dispose of the same, for the sole and only use of the said grammar school.

Seal.

Five trustees

II. *And be it further enacted*, That there shall be five trustees to manage the concerns of said corporation, any three of whom shall be a quorum for the transaction of business; and that the five persons last aforesaid named, shall continue trustees until others are

chosen in their stead; and that when any vacancy or vacancies shall happen in the office of trustees, by death, resignation or removal from the town of Paris aforesaid, such vacancy or vacancies shall be supplied by appointment of some person or persons residing in said town, under the hands of the remaining trustees and their corporate seal.

Vacancies
how filled.

III. *And be it further enacted*, That the said trustees and their successors shall have power to appoint such and so many officers, instructors and agents, as they, or a majority of them, may think proper, for the conducting and managing the school, property and concerns of the said corporation, and to make all such by-laws, rules and regulations as they or a majority of them may think proper for the well ordering of the same; and for the election of trustees, by the persons who have contributed, or may contribute, towards the funds and property of said corporation: *Provided however*, That such by-laws, rules and regulations, shall not be inconsistent with the intent of this act, the constitution and laws of this state or of the United States: *And provided further*, That the legislature may, at any time, add to, alter and amend the provisions of this act.

Their duties

Proviso.

CHAP. CXX.

AN ACT for the relief of David Ambler.

Passed March 28, 1817.

WHEREAS it is represented to the legislature, that David Ambler, on the twenty-sixth day of January, in the year one thousand eight hundred and four, paid into the treasury of this state seven dollars and fifty-one cents; and on the ninth day of July, one thousand eight hundred and ten, thirty dollars, as interest of the purchase on lot number forty, in the first allotment of New-Petersburgh; and by mistake the said sums were credited on lot number forty, in the Oneida reservation: Therefore,

BE it enacted by the people of the State of New-York, represented in senate and assembly, That the comptroller of this state be authorised to transfer the said sums to the credit of interest on said lot number forty, in New-Petersburgh, and to debit the said sums to the said lot in the Oneida reservation, as of the respective times the said sums were paid; and that the comptroller give notice thereof to the trustees of Hamilton college, to whom the bond and mortgage for the purchase money of the said lot number forty, in the Oneida reservation, has been assigned, to the end that said sums may be collected thereon by them for the use of the said college.

CHAP. CXXI.

AN ACT to incorporate the Homer and Elbridge turnpike road company.

Passed March 28, 1817.

I. BE it enacted by the people of the state of New-York, represented in senate and assembly, That Daniel Kellogg, John Legg, *Associates*,

Route.

Ambrose Hecox, Alanson Edwards, Jonathan Berry, Jonathan Edwards, and all such other persons as shall associate for the purpose of making a good and sufficient turnpike road, to begin on lot number forty-five in the town of Homer, in the county of Cortland; thence in the most direct route, as land and circumstances will admit, through the towns of Scott, Spafford, and the village of Skaneateles; thence to the store of Messieurs Munro and Son, in the village of Elbridge, in the town of Camillus, in the county of Onondaga; and that their successors and assigns be, and they are hereby created a body corporate and politic, in fact and in name, by the name of the Homer and Elbridge turnpike road company; and by that name they and their successors shall and may have continual succession, and shall be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions and complaints, matters and causes whatsoever; and by the same name and style shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of the said corporation: *Provided*, That such estate, as well real as personal, so to be purchased and held, shall be such only as shall be necessary to fulfil the end and intent of the said corporation.

Amount of stock.

II. *And be it further enacted*, That the stock of the said company, hereby incorporated, shall consist of sixteen hundred shares of twenty-five dollars each; and that Townsend Ross, Peleg Babcock, Ebenezer Pomeroy, Warren Hecox and Nathan Munro, be and they are hereby appointed commissioners to receive subscriptions for the said stock, in the manner directed in and by the act, entitled "an act relative to turnpike companies," passed March 13, 1807.

Commissioners to receive subscriptions

To lay out road.

III. *And be it further enacted*, That Elijah Miles, Truman Adams and John McFadden, or any two of them, be and they are hereby appointed commissioners to lay out and establish said road.

Rights.

IV. *And be it further enacted*, That the said company, hereby incorporated, shall have and enjoy all the rights, privileges, powers and immunities, which are given and granted in and by the aforesaid act, entitled "an act relative to turnpike companies," and shall be subject to all the conditions, provisions, restrictions and regulations in the said act: *Provided*, That the said company shall be allowed five years, from the passing of this act, for completing the said road, any thing in the said act to the contrary notwithstanding.

Proviso.

May erect a gate.

V. *And be it further enacted*, That as soon as the whole or any ten miles of the said road shall be completed, it shall and may be lawful for the president and directors hereafter to be chosen, to erect a gate or gates and turnpike upon and across the same, and to appoint toll-gatherers to collect and receive of and from all and every person and persons using the road, at each and every of the said gates, the following tolls and duties, to wit: for every coach, or four wheeled pleasure carriage or pleasure waggon, drawn by two horses, twenty-five cents, for every waggon or coach, drawn by two horses, mules or oxen, twelve and an half cents, and three cents for every additional horse, mule or ox, attached to such waggon or cart; for every cart, or other carriage, drawn by one horse, mule or ox, six cents, and for every additional horse, mule or ox, attached to such cart, three cents; for every horse and rider, six cents;

Tolls.

for every horse or mule, led or driven, three cents; for every chaise, chair, sulkey, or other pleasure carriage, drawn by one horse, twelve and an half cents, and six cents for every additional horse; for every sleigh or sled, drawn by two horses, mules or oxen, six cents, for every additional horse, mule or ox, three cents; for every sleigh or sled, drawn by one horse, mule or ox, four cents; for every score of cattle, horses or mules, twenty cents; and for every score of sheep or hogs, eight cents, and so in proportion for a greater or less number.

CHAP. CXXII.

AN ACT to incorporate the Oswego and Sodus branch turnpike company.

Passed March 28, 1817.

I. BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That Henry Moore, John Cooper, David Arne, jun. Roderick Matson, John Crowell, and all such other persons as shall associate for the purpose of making a turnpike road, to begin at the turnpike road on lot number sixteen, in the township of Aurelius, on the west side of the Owasco creek, in the town of Mentz, and county of Cayuga, and running from thence to or near the dwelling house of Harry Moore, in the town of Cato, in said county, and from thence to John Cooper's mills, in the town of Sterling, and from thence to the village of Oswego, in the county of Oswego, and also from or near to the said dwelling house of Henry Moore, in the town of Cato, to intersect the state road (so called) west of and near to the mills, in the town of Wolcott, in said county of Cayuga, called Melvin's mills, and their successors, be and they are hereby created a body corporate and politic, by the name of "the president, directors and company of the Oswego and Sodus branch turnpike company," and they are hereby ordained, constituted and declared, to be a body corporate and politic, in fact and in name, and by that name they and their successors shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and in all manner of actions and complaints, matters and causes; and by the same name and style shall be in law capable of purchasing, holding and conveying any estate, real and personal, for the use of the said corporation: *Provided*, that such estate, as well real as personal, shall be such only as may be necessary to fulfil the end and intent of the said corporation.

Route.

Incorporated

Style.

Rights.

Provided.

Stock.

Commissioners to receive subscriptions

II. And be it further enacted, That the stock of the said company hereby incorporated shall consist of two thousand four hundred shares, of twenty-five dollars each; and that John Cooper, Henry Moore, David Arne, jun. Nathaniel Garrow and Roderick Matson, be and they are hereby appointed commissioners to receive subscriptions for said stock, in the manner directed by the act, entitled "an act relative to turnpike companies," passed March thirteenth, 1807:

Tolls.

III. *And be it further enacted*, That the said company hereby incorporated, shall be entitled to exact and receive, at each of the gates or turnpikes to be erected on said road, for any number of miles not less than ten in length of said road, the following sums of money, and so in proportion for any greater or less distance, from all persons travelling on or using the same, to wit: for every score of hogs or sheep, three cents; for every score of cattle, horses or mules, six cents; for every chair, sulkey or chaise, with one horse, twelve and an half cents; for every horse, rode, led or driven, four cents; for every chariot, coach, coachee, phaeton, pleasure waggon or pleasure carriage, drawn by two horses, twenty-five cents, for every additional horse, six cents; for every cart drawn by one horse, six cents; for every stage, waggon, or other four wheeled carriage, drawn by two horses, mules or oxen, twelve and an half cents, for every additional horse, mule or ox, three cents; for every cart, drawn by two oxen, eight cents; and for every additional yoke of oxen, or pair of horses or mules, three cents; for every sled, travelling the above road from the fifteenth day of December to the fifteenth day of March, in each year, one half of the tolls herein demanded for carriages for the transportation of burthens

Subject to
the act passed
March
1807.

IV *And be it further enacted*, That the said company hereby incorporated, shall have and enjoy all the rights, privileges, powers and immunities, which are given and granted in and by the aforesaid act, entitled "an act relative to turnpike companies," and shall be subject to all the conditions, restrictions and regulations, contained in the said general act, passed the thirteenth day of March, 1807.

CHAP. CXXIII.

AN ACT for the relief of Joseph Telft and Samuel Brown.

Passed March 28, 1817.

Be it enacted by the people of the state of New-York, represented in senate and assembly, That the benefits of the provisions contained in the third section of an act, entitled "an act to amend an act, entitled "an act concerning the commissioners of the land office, and the sale of unappropriated lands, and for other purposes," passed April 14th, 1815, be and the same are hereby extended to the fifteenth day of May next, so far as relates to lots number seventeen, twenty-six, twenty-nine and thirty-two, in the Tongue-mountain tract.

CHAP. CXXIV.

AN ACT to amend the act, entitled "an act to incorporate the academy instituted in the city of New-York, for the promotion of the arts."

Passed March 28, 1817.

I. *BE it enacted and declared by the people of the State of New-York, represented in Senate and Assembly*, That the corporation

mentioned in and created by the act hereby amended, shall hereafter be called and known by the name, style and description, of "the American academy of the fine arts."

II. *And be it further enacted*, That the property and concerns of the said corporation, shall be managed hereafter by a president, vice president and eleven directors, who shall be stockholders of the said academy, and shall have such other qualifications as the by-laws of the said academy may prescribe.

II. *And be it further enacted*, That the stockholders shall, on the first Monday in May next, proceed to elect so many directors, in addition to those who are now elected, as will make up the said number of eleven directors, and that the said additional directors shall have the same power, and serve for the same time, as if they had been elected at the last annual election of directors.

CHAP. CXXV.

AN ACT relative to the medical society in the county of Sullivan.

Passed March 28, 1817.

BE it enacted by the people of the state of New-York, represented in senate and assembly, That the county medical society, organized in the county of Sullivan, on the third day of October, one thousand eight hundred and nine, be and it is hereby declared to be, and to have been from its commencement, a legal and lawful organized medical society, agreeable to the requisitions of the act, entitled "an act to incorporate medical societies, for the purpose of regulating the practice of physic and surgery in this state," and that the anniversary day of the meeting of said society be hereafter the first Wednesday after the second Tuesday in June, annually.

CHAP. CXXVI.

AN ACT to divide the town of German, in the county of Chenango.

Passed March 28, 1817.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That all that part of the town of German, in the county of Chenango, comprised and known by the name of the seventh township, shall be and hereby is erected into a separate town, by the name of Otselic; and the first town meeting in the said town of Otselic shall be held at the dwelling house of Ebenezer Hill, in said town, at the time fixed by law for holding annual town meetings in said county, and that all the remaining part of the town of German, shall be and remain a separate town, by the name of German, and the next annual town meeting in the said town of German, shall be held at the dwelling house of Benjamin Fairchild in said town.

II. *And be it further enacted*, That the said towns of German

and Otselic, and the officers by them to be elected, shall be entitled to all the privileges, and subject to all the penalties, that the other towns in this state are by law entitled and subject to.

III. *And be it further enacted*, That as soon as may be convenient, after the next annual town meeting the supervisors and overseers of the poor of the said towns of German and Otselic, on notice being first given by the said supervisors for that purpose, shall meet together and divide the money and poor belonging to the town of German previous to the division thereof, agreeable to the last assessment roll, and that each of the said towns shall forever thereafter respectively support their own poor,

CHAP. CXXVII.

AN ACT declaring some part of Mud creek to be no longer a public highway,

Passed March 28, 1817.

WHEREAS all that part of Mud creek, above its junction with Canandarque outlet, is almost useless as a public highway, and as the prosperity and convenience of the people of that vicinity will be promoted in a greater degree by appropriating the said creek to the use of the mills: Therefore,

BE it enacted and declared by the people of the State of New-York, represented in Senate and Assembly, That all that part of Mud creek west of the village of Lyons, in the town of Lyons, shall, from and after the passage of this act, cease to be a public highway; and so much of the act, entitled "an act declaring certain waters to be public highways," passed April 2d, 1813, as relates to the aforesaid part of Mud creek, be and the same is hereby repealed.

CHAP. CXXVIII.

AN ACT to incorporate the Hamilton baptist missionary society.

Passed March 28, 1817.

Preamble.

WHEREAS John Peck, and certain other persons have formed themselves into a society, by the name and style of "the Hamilton baptist missionary society," for the purpose of propagating the gospel among the destitute, and have prayed to be incorporated, the better to promote their benevolent designs: Therefore,

Style.

Rights.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That all such persons as now are or hereafter may become members of said society, according to such rules as they may agree on or establish, shall be and hereby are ordained, constituted and appointed, a body politic and corporate, in fact and in name, by the name of "the Hamilton baptist missionary society," and by that name they and their successors shall and may have succession, and shall be persons in law, capable of suing and

being sued, pleading and being impleaded, in all courts and places whatsoever, in all manner of action and actions, suits, matters, causes and complaints whatsoever; and that they and their successors may have a common seal, and may change and alter the same at pleasure; and also, that they and their successors, by the name of "the Hamilton baptist missionary society, shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of said society: *Provided always*, that such real and personal estate shall not at any time exceed the annual value of two thousand dollars. Provide.

II. *And be it further enacted*, That for the better carrying into execution the objects of the said society, the officers of the same shall consist of eleven directors, to wit: a president, secretary, treasurer and eight other directors, who shall hold their offices for one year, or until others are chosen in their stead, and shall be elected on the second Tuesday in September, in each year, or at such other time and at such place as the corporation shall from time to time appoint; and that every such election shall be by ballot, by a majority of the members present at every such meeting. Directors to be chosen.

III. *And be it further enacted*, That the following persons shall be the first directors of the said society, to wit: John Peck first president, John Lawton first secretary, Daniel Lathrop first treasurer, and Joseph Coley. Nathan Baker, John Keep, Thomas Cox, Samuel Torrey, Joseph Card, Alfred Bennet and Samuel Payne other directors of said society, all of which said directors shall hold their offices respectively until the second Tuesday of next September, or until others shall be chosen in their stead. First Directors.

IV. *And be it further enacted*, That at every meeting of the directors of the said society, when six directors are met, they shall be a quorum for transacting any business concerning said society which may come before them, or may adjourn from time to time, as circumstances may require. Quorum.

V. *And be it further enacted*, That the said corporation and their successors shall have full power to make, constitute, ordain and establish such by-laws, rules and regulations, as they from time to time shall judge proper, for the management, well being and regulating the said society: *Provided always*, that no regulation shall be made in any wise to control the religious principles, or affect the rights of conscience of any person whatsoever: *And provided further*, that such by-laws, rules and regulations, be not repugnant to the constitution and laws of the United States, or of this state. By-laws.

VI. *And be it further enacted*, That this act, be and is hereby declared to be a public act, and that the same be construed in all courts and places benignly and favorably for every purpose therein intended. A public act.

VII. *And be it further enacted*, That this act shall be and remain in full force and virtue for the term of twenty-five years: *Provided nevertheless*, that if the said society shall appropriate their funds, or any part thereof, to any purpose or purposes other than those intended and contemplated by this act, or shall at any time pass any law or regulation affecting the rights of conscience, that thenceforth the said corporation shall cease and be void: *And provided further*, That nothing herein contained shall be construed to Duration.
Provide.

prevent the legislature, at any time in their discretion within the said period, from altering or repealing this act.

CHAP. CXXIX.

AN ACT *declaring certain waters in Sullivan county public highways.*

Passed March 28, 1817.

I *BE it enacted by the people of the State of New York, represented in Senate and Assembly,* That the stream of water, situate in the county of Sullivan, in this state, and usually called the Beaverkill, shall, from and after the passing of this act, be a public highway, from the Delaware river and up the same to the intersection of the Willewemack and little Beaverkill: *Provided*, that the owners of the adjoining lands may erect mills or other waterworks, store houses or docks, on the said waters, so that the same shall not obstruct the navigation thereof: *And provided further*, that nothing herein contained shall be construed to abridge any pre-existing private rights.

II. *And be it further enacted,* That if any person shall hereafter obstruct the navigation of the said highway, every such offender shall forfeit, for each offence, the sum of five dollars; and for the continuance of such obstruction for every twenty-four hours, one dollar, to be recovered, with costs of suit, by action of debt, by any person who will sue for the same, before any justice of the peace, for the use of the poor of the town where the offence shall be committed; and every such offender shall also be deemed guilty of a misdemeanor, and may be prosecuted by indictment, and on conviction may be imprisoned not to exceed sixty days.

CHAP. CXXX.

AN ACT *to divide the town of Brownville, in the county of Jefferson.*

Passed March 28, 1817.

I. *BE it enacted by the people of the state of New York, represented in senate and assembly,* That from and after the passing of this act, all that part of the town of Brownville, in the county of Jefferson, lying within the boundaries following, that is to say: beginning upon a line in the centre of French or Dumas creek, where the west line of Penet's square intersects the same; thence south along the west line of said Penet's square, to the southwest corner thereof; thence along the northeasterly out line of lot number four hundred and fifty-five in great lot number four of Macomb's purchase, to the easternmost corner thereof; thence along the southeasterly out line of said lot number four hundred and fifty-five, to the northeasterly out line of lot number three hundred and thirty-nine, thence along the same to the easternmost corner thereof; thence southwesterly along the southeasterly out line of said lot number three hun-

dred and thirty-nine, and of lots number three hundred and forty, three hundred and fifty-eight, three hundred and fifty-nine, four hundred and forty-seven, and four hundred and forty-six, all in said great lot number four, to the southeasternmost corner of said lot number four hundred and forty-six; thence northwesterly along the southeasterly out line thereof, to an arm of Chaumont bay; thence through the waters of said bay to the waters of lake Ontario; thence through the waters of said lake to the river St. Lawrence; thence down the same to the mouth of French or Dumas creek; thence up the same to the place of beginning; including within said line Cherry island, the peninsula, Fox island, Grenadier island, Carlton island, and such other small islands between Carlton island and French creek aforesaid, as are now known to be within the limits of the United States, shall be and the same is hereby erected into a separate town, by the name of Lyme; and that the first town meeting of the said town of Lyme shall be held at the dwelling house of Luther Britton, in said town.

II. *And be it further enacted*, That the remaining part of the town of Brownville shall be and remain a separate town, by the name of Brownville; and that the next town meeting shall be held at the place to which the last town meeting of the town of Brownville was adjourned.

III. *And be it further enacted*, That as soon as may be, after the first Tuesday of April next, the supervisors and overseers of the poor of the towns of Brownville and Lyme, aforesaid, shall, by notice to be given by the supervisors of the towns of Brownville and Lyme aforesaid, for that purpose, meet together and apportion the poor maintained by the said town of Brownville, previous to the division thereof; and also to divide all money which is or may be in the hands of the overseers of the poor, in an equitable manner; and if the supervisors and overseers of the poor cannot agree upon such equitable division, then the supervisors of the county, at their next annual meeting, shall apportion the poor and money belonging to the said town of Brownville, between the said towns, and each town shall thereafter support its own poor.

CHAP. CXXXI.

AN ACT for the relief of the trustees of the Presbyterian church in Newtown, in Queens county.

Passed March 28, 1817.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That the trustees of the Presbyterian church in Newtown, in the county of Queens, and their successors in office, be and they are hereby authorised and empowered to sell and dispose of the whole or any part of the real property, lately purchased by them at public auction, whenever the congregation of said church shall, by a majority of votes, in legal meeting assembled, request such sale to be made; and with the proceeds of such sale to purchase other property, or to place the said proceeds at interest, secured by bond and mortgage, or to invest the same, with all other

monies which they may have in their hands, belonging to the said church, in bank stock, or in the funded debt of this state or of the United States.

II. *And be it further enacted*, That it shall be lawful for the said trustees, and they are hereby empowered, to apply the fund arising from the sale of the real estate, which they were authorised to dispose of by an act, entitled "an act authorising the trustees of the Presbyterian church in Newtown, in Queens county, to dispose of the real estate therein mentioned," passed March 8th, 1811, or so much of said fund as shall be necessary to the payment of the debt said trustees have contracted by the purchase of the real estate mentioned in the preceding section, any thing in the aforesaid act to the contrary notwithstanding.

CHAP. CXXXII.

AN ACT for the relief of Frederick Wentworth.

Passed March 28, 1817.

WHEREAS Frederick Wentworth, a collector in the town of Woodstock, in Ulster county, by reason of severe sickness in his family, has not been able to make his returns to the treasurer of said county, agreeable to an act for the assessment and collection of taxes: Therefore,

BE it enacted by the people of the state of New-York, represented in senate and assembly, That the said collector is hereby authorised to make his returns to the said treasurer agreeable to the said act; and the oath required by the said act to be administered to collectors, may be administered to the said collector in the same manner as if the said returns had been made within the time required by the said act.

CHAP. CXXXIII.

AN ACT to authorise the directors of the New-York society of St. John to alienate their real estate.

Passed March 28, 1817.

Preamble.

WHEREAS certain persons, associated under the name and style of "the New-York society of St. John," did, on the first day of November, in the year of our Lord one thousand eight hundred and two, purchase a lot of land in the city of New-York, on which they erected a building, and vested the said lot and building in certain persons, as trustees, to manage the same, which trustees were denominated "the directors of the New-York society of St. John:" and whereas it is represented to the legislature, by the trustees or directors of the said society, that it is not only inconvenient to manage its affairs under the present deed or trust, but that the said property is little productive to the stockholders many of whom are widows and orphan children; and that it will be more beneficial for all persons

interested therein to sell the said lot and the building erected thereon, and to close its concerns: Therefore,

I. *Be it enacted by the people of the State of New-York, represented in senate and assembly,* That John Harrison, Benjamin Prince, John Hyslop, William L. Mott, George McKay, Thomas Richards, Cornelius Bogert, James Dobbin and Jacob Schieffelin, at present trustees or directors of the New-York society of St. John, or the survivors of them, shall be and are hereby authorised and empowered to grant, bargain and sell all that certain lot, and the building erected thereon, situated in the city of New-York, and now held by the said directors in trust as aforesaid, for the highest price and upon the best terms in their power to obtain; and that the before named persons, or the survivors of them, may execute good and sufficient deeds and conveyances in the law, to the purchaser or purchasers thereof, and hereby are authorised to take a mortgage for such part of the consideration money as may remain unpaid at such time or times as they may deem most beneficial for the persons interested therein; and the before named directors, or the survivors of them, shall, from the proceeds of such sale, pay all the debts due and owing by the said society, and after deducting their reasonable costs and charges, shall allow and pay to the stockholders or persons interested in the said property, their respective, equal and full portions as soon as the proceeds of such sale shall be received by them.

May sell lot, &c.

II. *And be it further enacted,* That if any of the said stockholders shall be absent or dead, and their legal representatives unknown, that the before named directors, or the survivors of them, shall pay over the portion which such person or persons, so absent or dead, is or are entitled unto, into the hands of the chamberlain of the city of New-York, for the use of the persons entitled thereto; but no interest shall be paid thereon by the said chamberlain, or by the corporation of the said city; and if no application shall be made for the same in ten years after such payment, the same shall be applied to the use of the poor of the said city.

Certain monies whose deposited.

III. *And be it further enacted,* That the before named directors shall, before they grant, bargain and sell the said lot and the buildings thereon erected, enter into a bond, in such sum and with such sureties as may be judged sufficient by the mayor and recorder of the city of New-York, conditioned for the faithful distribution of the monies, arising from such sale, among the several stockholders or their representatives interested and holding shares therein.

Security to be given.

CHAP. CXXXIV.

AN ACT to amend the act incorporating the Neversink turnpike road company, and for altering the name and style of the said company.

Passed March 28, 1817.

WHEREAS it has become highly expedient, that the road between Hudson's river and the territory within this state, lying north of the state of Pennsylvania, and heretofore intended to be opened

Preamble.

by the Neversink turnpike road company, should be speedily completed: *and whereas* the president and directors of the said company, in conjunction with most of the proprietors of the lands, as well improved as unimproved, contiguous to the said road, have petitioned the legislature to cause a proportionate assessment to be laid on the lands, materially to be benefitted by the making of the said road, as the most equitable, certain and practicable mode of creating a capital to effect the same object; and that each proprietor of such property, subject to the said assessment, may become a stockholder in the said company, for the amount he may in this manner contribute towards making the said road; and have prayed for the aid of the legislature in the premises: Therefore,

I. BE it enacted by the People of the state of New-York, represented in Senate and Assembly, That the person administering the government of this state be, and he is hereby authorised and required, by and with the advice and consent of the council of appointment, to nominate and appoint three discreet and respectable freeholders in this state, in no wise interested in the lands to be assessed, nor in the stock of the Neversink turnpike road company, whose duty it shall be, as soon as may be after their acceptance of such appointment, to make a just, equitable and proportionate assessment on all such lands, lying in the counties of Ulster, Sullivan, Delaware and Broome, commencing at the termination of the section of road already made and finished, in the town of Wawasing, and along the site of that part of the said road hereafter to be made, as shall, in their judgment, be materially benefitted by the making and finishing of the said turnpike road; the whole amount of which said capital to be assessed as aforesaid, shall be and hereby is limited to twelve hundred dollars for each mile of the said road; and in making such assessment, they shall describe each lot, piece or parcel of land, with as much certainty as practicable, and add thereto the name of the proprietor or owner thereof, if known, and where the same cannot otherwise be distinctly ascertained, then they shall employ such description as has been made of such lot, piece or parcel of land, in the last assessment roll of the assessors of the town in which such lot, piece or parcel of land is situate, which shall be deemed and considered as a sufficient description; and as soon as the said assessment shall have been completed, the said commissioners shall cause one copy thereof, certified with their respective names, to be deposited in the clerk's office of each of the counties of Ulster, Sullivan, Delaware and Broome, which shall be open to the examination and inspection of all persons interested, and one other copy thereof, certified in manner aforesaid, to be delivered to the president and directors of the said company; which said assessment shall, upon being finally completed, become a lien on the respective lots, pieces or parcels of land so assessed; and that for all payments made in discharge of such assessment, the owner or proprietor shall be, and hereby is entitled to receive from the said company, a certificate or certificates, under the seal of the said corporation, acknowledging him to be a stockholder, to the amount of such payment: *Provided nevertheless*, that before the said commissioners shall deposit their assessments in manner aforesaid, it shall be their duty to cause notice to be published for six weeks successively, in at least one newspaper published in each of the counties aforesaid

Assessors to
be appointed

Their duty.

Certificate
to be filed.

Previous.

in which a newspaper is printed, and also in one paper printed in the city of New-York, and in the paper printed by the printer to the state, notifying all persons interested, that they have completed their assessments, and that copies thereof are in the hands of each of the said commissioners, and the places respectively where the same may be seen and examined, by any such person, or the agent of any such person, during one month from and after a certain day, to be named in the said notice, for that purpose; and that at the expiration of the said one month, they will meet on a certain time and place, in the said notice to be specified, to review the said assessment on the application of any person conceiving himself aggrieved; and it shall be the duty of the said commissioners, during the said one month, to submit the said assessment roll to the inspection of any person who shall apply for that purpose; and at such time and place thereafter as shall have been notified by them as aforesaid, the said commissioners shall review the said assessment, and may alter any mistake or inequality therein, on sufficient cause being shewn to their satisfaction, which assessment, so altered, shall thereafter stand and remain unalterable: *And provided further*, that the said commissioners shall not assess any lands lying at a greater distance than eight miles from the site of the said road, and that the same shall be in a just and reasonable proportion in relation to its distance from the said site: *Provided further*, that as it respects so much of the said road as passes through the lands of owners who have not consented to this act, and with their assessments, it shall be at the election of the said owners to have the said road a free road, or part of the Neversink turnpike road, as in this act is provided, which election shall be made by a declaration thereof, to be filed with the commissioners appointed by this act, within six months after the said assessment shall be completed.

II. *And be it further enacted*, That the said commissioners shall make an assessment for each town, through which the said road passes, separately, and that the money raised in each town shall be expended therein, and not elsewhere, unless there remains a surplus after completing the road in and through such town. Assessments.

III. *And be it further enacted*, That each of the said commissioners, before entering on the duties of his office, shall take and subscribe an oath or affirmation, before any person legally authorised to administer oaths, faithfully and impartially, according to the best of his judgment and ability, to execute the duties of a commissioner under this act, without favor or affection; which oath or affirmation shall be deposited in the clerk's office of the county of Ulster. Oath to be taken.

IV. *And be it further enacted*. That to enable the said commissioners to make a just and proportionate assessment, they or a majority of them are hereby fully authorised to designate and fix, with as much certainty as they shall deem necessary, the route of the said road in its whole extent, which shall not afterwards be so materially altered as to affect the principles of their assessment, except with the concurrent consent of the persons whose interests shall be affected thereby, and the president and directors of the said company; and the said commissioners are also hereby fully authorised and required, to ascertain, determine and award, upon view of the premises, the damages, if any, to be allowed to any person interested in To designate route.
To award damages.

To fix sites,
&c.

any lot, piece or parcel of land, for the ground which shall be appropriated for the said road; and also for the sites for erecting toll-gates and toll-houses on the said road, whereof they shall make such inquisition or inquisitions as is directed and prescribed to be made by appraisers, in and by the act hereby amended, the amount of which award shall be paid by the said company, in the stock of the said company; and the said commissioners, under the authority aforesaid, shall be and hereby are fully authorised, to lay out for the use of the said company, for the purpose of erecting toll-gates thereon, one lot for every ten miles of road, of sufficient size for the accommodation of a toll-gatherer, which shall not exceed three hundred feet in front, on the turnpike, nor contain more than ten acres of unimproved land, or more than one acre of improved land, all which said parcels of land, so set apart for the use of the said company, shall, upon the filing an accurate return and map of the site, become the property of the said company, for the purposes expressed or intended by this act, and for no other use; and the said commissioners shall be entitled to receive from the president, directors and company, for each day they shall be necessarily attending to the performance of the duties required by this act, two dollars and fifty cents.

Their pay.

Assessments
when paid.

V. *And be it further enacted*, That one fourth part of each assessment, so to be made, shall become due and payable to the president and directors of the said company, on the first day of May, in the year one thousand eight hundred and eighteen; that another fourth part thereof shall become due and payable on the first day of November, one thousand eight hundred and eighteen; and another fourth part thereof shall become due and payable on the first day of May, in the year one thousand eight hundred and nineteen; and that the remaining fourth part thereof shall become due and payable on the first day of November, in the year of our Lord one thousand eight hundred and nineteen; whereof due notice shall be given by advertisement, published for six weeks successively, in a newspaper printed in each of the counties through which said road shall run, in which a newspaper is printed, that such assessment as aforesaid has been completed and deposited as aforesaid, and requiring every person interested in any land subject to the said assessment, to pay the same to the said president, directors and company, at the respective times and in the proportions aforesaid, and to receive, upon such payment made, certificates of stock for the amount so paid and for the purpose aforesaid; and the president and directors of the said company, shall be and hereby are fully authorised to issue full shares of stock whenever the same shall become necessary: *Provided however*

Notice to be
given.

To issue cer-
tificates of
stock.

Persons as-
sessed may
make road
thro' their
land.

VI. *And be it further enacted*, That in lieu of the payments aforesaid, it shall be lawful for any of the persons assessed to make such road through his or their lands, or within the town in which his or their lands lie, under the inspection of the president and directors of the said company, so that the same be commenced by the first day of May, in the year one thousand eight hundred and eighteen, and be completed within two years thereafter, for which such person or persons shall be allowed, on his or their assessment, and in satisfaction thereof, at and after the rate of twelve hundred dollars the mile, or such other sum as two indifferent persons, one to be

chosen by the company and the other by the individual, shall determine.

VII. *And be it further enacted*, That for the purpose of enforcing the payments of such assessments, if default shall be made in any of the said payments at the time they are respectively made payable, it shall and may be lawful for the president and directors aforesaid, to cause a transcript to be made from the assessment roll, under their corporate seal, of all such lots, pieces or parcels of land, made chargeable with the payment of any such assessment, as shall not have been paid, and to certify the same under their corporate seal, to the sheriff of the county in which such lands are situate, whose duty it shall be thereupon forthwith to proceed to the advertising the property assessed, and to the sale of such part, or so much thereof, as shall be necessary to satisfy the amount charged thereon, together with his fees; and in such proceeding he shall be governed and directed, in all respects as on executions, and his fees and charges for advertising and selling, shall be the same as are established by law on executions; and upon every sale, he shall execute a receipt to the purchaser for the purchase money, and forthwith shall pay over to the president and directors of the said company, all monies which shall come to his hands for their use; and upon neglect or refusal so to do, shall be liable to suit, or to be proceeded against by attachment, in the supreme court, who are hereby authorised and required to issue such attachment, and proceed therein as in other cases on executions in the hands of a sheriff.

Lands may
be sold.

VIII. *And be it further enacted*, That two years shall be, and hereby is given, to the proprietor or owner of any parcel of land so as aforesaid sold by the sheriff, to redeem the same, by paying the whole purchase money and sheriff's fees, together with fourteen per cent. interest thereon, from the time of such payment, to the said president and directors, for the use of the purchaser; and the said president and directors, on receiving such payment, shall give to the person whose land shall be so redeemed as aforesaid, such stock as he would have been entitled to, had he paid the amount assessed upon such premises as aforesaid; and such payment shall supersede the execution of a deed by the sheriff to such purchaser; and that in all other cases of sales, where the lands sold by a sheriff shall not be redeemed, such sheriff shall be, and hereby is authorised and required, to make and execute a conveyance to the purchaser of the lands so sold, which shall vest the title thereof in the purchaser, absolutely in fee simple. *And whereas*, it may so happen that the lands of two or more persons may have been comprehended in one assessment, in such cases such assessment shall not therefor be void; but it shall and may be lawful for any one or more of such persons to pay his full proportion of such assessment, and also to redeem his full proportion of land from any sale thereof made, by satisfying the party entitled to receive the said assessment, the full proportion of the said assessment and costs, with such interest as aforesaid, which shall be estimated by comparing the quantity and the situation of land owned by him, with the whole quantity, as well as situation of land, chargeable with said assessment at the time of sale; which shall be made out by the directors or a committee of three of the said board for that purpose to be appointed; which

Lands may
be redeemed.

payment of such proportion, shall be deemed to be an effectual discharge of such proportion, either from such assessment or sale, as the case may be.

Width of the road. IX. *And be it further enacted,* That it shall not be necessary that the arch of the road to be made by the president and directors of the said company, should be wider than twenty-two feet, any thing in the act of their incorporation to the contrary notwithstanding.

Style. X. *And be it further enacted,* That hereafter the name and style of the president and directors of the said company shall be "the president and directors of the first great south-western turnpike road company," and by that name they and their successors shall hereafter be known in the law, any thing in the act hereby amended to the contrary thereof notwithstanding.

Directors to be faithful; XI. *And be it further enacted,* That it shall be the duty of the said president and directors faithfully to apply and appropriate all monies which shall be received by them, in the most beneficial manner practicable, for and towards the making the said turnpike road, and to cause any section thereof, not being less than ten miles in length, when duly completed, to be inspected, and thereupon to obtain from the person administering the government of this state, a license to erect a toll-gate or gates thereon, and to exact and receive the toll authorised by the act of incorporation, to and for the use of the stockholders.

Liable if not; XII. *And be it further enacted,* That it shall not be lawful for the president and directors, to apply or appropriate monies to be raised by this act, to any other purposes than those contemplated by their act of incorporation; and in case of any misappropriation, the directors under whose administration and by whose consent the same shall have been done, shall be liable in their individual and private capacities, for such illegal appropriation.

May commute. XIII. *And be it further enacted,* That it shall be lawful for the president and directors of the said company, to commute with any person whose property shall be assessed, for the payment of the amount so assessed on his land, in labor on the said turnpike, or in any other thing necessary for and towards making the said road, or in the conveyance of land, instead of the payment of money: *Provided,* such commutation shall and may be beneficially applied by the said company for making and finishing the said road.

Toll. XIV. *And be it further enacted,* That the same rates of toll shall and may be demanded and exacted, by the president and directors of this incorporation, for all four wheel'd carriages drawn by more than three horses, oxen or other beasts, as are receivable by law by the president and directors of the first, second and third great western turnpike companies; and that the proviso in those incorporations, exempting therefrom persons moving with families and household furniture, shall also be extended to this incorporation; and that the toll on a four wheel carriage drawn by one horse or mule, shall be eight cents.

Persons living within two miles to pay toll XV. *And be it further enacted,* That the exemption from toll of all persons living within two miles of a gate at such gate, contained in the act of this incorporation, be and hereby is repealed.

Two commis XVI. *And be it further enacted,* That any two of the commis-

sioners aforesaid, may, in the absence or on the non-concurrence of the other, exercise all or any of the powers vested in them. sioners may act.

CHAP. CXXXV.

AN ACT to incorporate the Stockholders of the Bank of Geneva.

Passed March 28, 1817.

WHEREAS, Septimus Evans, Robert Troup, Jacob Dox, Wilhelmus Mynderse, Herman H. Bogert and others, associated as a company, under the name and style of "the bank of Geneva," by their petition, presented to the legislature, have prayed for the privilege of being incorporated as a company and body corporate: Therefore,

I. BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That all such persons as shall be stockholders of the said bank, shall be, and hereby are ordained, constituted and declared to be, from time to time, and until the first day of January, which will be in the year of our Lord one thousand eight hundred and thirty-two, a body corporate and politic, in fact and in name, by the name of "the president, directors and company of the bank of Geneva;" and by that name, they and their successors, until that day, may and shall have succession, and shall be in law persons capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors may have a common seal, and may change and alter the same at their pleasure; and also, that they and their successors, by the aforesaid name of incorporation, shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of the said corporation: *Provided*, that the real estate which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for its immediate accomodation in relation to the convenient transaction of its business, or such as shall have been *bona fide* mortgaged to it, by way of security, or conveyed to it in satisfaction of debts previously contracted, in the course of dealings, or purchased at sales upon judgments which shall have been obtained for such debts: *And provided*, that the said bank shall be established in the village of Geneva, and that its operation of discount and deposit shall be carried on in the said village of Geneva, and not elsewhere: *And provided also*, that it shall not be lawful for the said bank to issue any notes or bills, until an affidavit by the president and cashier of said bank shall have been made and filed in the clerk's office of the county of Ontario, stating, that the sum of twelve and a half per cent. upon each share of the capital stock of said bank has been actually paid into the said bank by the stockholders, in specie: *And further*, that the said corporation shall not, directly or indirectly, deal or trade in business, or selling any goods, wares or merchandise, or commodities whatsoever, or in buying or selling any stock created under any act of the United States

Incorporated

Provide.

Operations in Geneva.

Restricted in dealings.

or of any particular state, unless in selling the same when truly pledged by way of security for debts due to the said corporation.

Stock.

II. *And be it further enacted*, That the capital stock of the said bank shall not exceed four hundred thousand dollars; and that a share in said stock shall be twenty dollars.

To be managed by 11 directors—how and when chosen.

III. *And be it further enacted*, That the stock, property affairs and concerns of the said corporation, shall be managed and conducted by eleven directors, to be appointed and chosen in manner herein-after mentioned, who shall be stockholders, and citizens of this state, and shall hold their offices for one year, and until others shall be chosen in their places; the election of directors shall be held on the third Monday in November in each year, at such time of day and such place within the village of Geneva as a majority of the directors shall appoint; and public notice shall be given, not less than thirty days previous to the time of holding such elections, by an advertisement to be inserted in each of the newspapers printed in said village, stating the time and place of holding such election; the said election shall be made by the stockholders in the said corporation, either in person or by proxy; and all elections for directors shall be by ballot; each stockholder shall be entitled to a number of votes according to the number of shares which he or she shall have held in his or her name at least thirty days previous to such election, that is to say, one vote for each and every share; and the eleven persons who shall have the greatest number of votes as aforesaid, shall be directors; and if it should happen at any election, that two or more persons shall have an equal number of votes, then the directors in office, at the time of such election, or a major part of them, shall proceed to ballot, and by plurality of votes determine which of the said persons, so having an equal number of votes, shall be director or directors, so as to complete the whole number so to be elected; and the directors, as soon as may be thereafter, shall proceed, by ballot, to elect one of their number to be their president; and if any director living in the village of Geneva, shall remove out of the same, his office shall be considered as vacant; and all vacancies in the direction shall be filled for the remainder of the year in which they shall happen, by such person or persons as the remainder of the directors, or a majority of them, shall appoint.

First directors.

IV. *And be it further enacted*, That Robert Troup, Septimus Evans, Wilhelmus Mynderse, Charles Thompson, George McClure, Herman H. Bogert, Truman Hart, Jacob Dox, Elnathan Noble, Thomas Lee and Leman Hotchkiss, shall be the first directors, and shall hold their offices until the third Monday in November, which will be in the year eighteen hundred and seventeen, and until others shall be appointed; and it shall be the duty of the said directors, as soon as may be, to appoint one of their number, by ballot, to be president; and the president and directors, on the second Monday in May next, at some proper place in said village of Geneva, shall open books to receive subscriptions to the capital stock of said bank; and public notice shall be given by the said president and directors, of the time and place of opening such books, in each of the newspapers printed in said village of Geneva, and in as many of the newspapers printed in the county of Seneca as the said president and directors shall think necessary, for at least thirty days; and it shall be the

Directors to open books of subscription, & give notice.

duty of the said president and directors to keep said books open for the space of one week, and from ten to three o'clock on each day of the week, (except Sunday) and to receive the subscriptions of all persons inclined to subscribe therein, being residents of this state; and the said president and directors shall demand and receive from any subscriber, at the time of the subscription, the sum of one dollar on each share so subscribed; and if the number of shares so subscribed shall exceed twenty thousand shares, the said president and directors shall apportion the same among the several subscribers, in proportion to the amount of their several subscriptions; and in case the said number of twenty thousand shares should not be subscribed for, in the books directed to be opened by this act for subscription, within the time aforesaid, then subscriptions shall be opened, and kept open, under the direction of the said president and directors, at such times and places as they shall think proper, until the whole number of shares shall be subscribed.

V. *And be it further enacted*, That in case it should at any time happen, that an election of directors should not be made on the day prescribed by this act, the corporation for that cause shall not be deemed to be dissolved; but that it shall and may be lawful, on any other day, to hold and make an election of directors according to the by-laws and regulations of the said corporation.

May hold election on any other day.

VI. *And be it further enacted*, That the directors for the time being, or a majority of them, shall have full power to make and prescribe such by-laws, orders, rules and regulations, as to them shall appear needful, touching the management and dispositions of the stock, property, estate and effects of the said corporation, and the time and manner of the discounts and deposits made in and by the same; the duties and conduct of the officers, clerks and servants employed therein; the election of directors, and all such matters as appertain to the business of a bank; and shall also have power to appoint so many officers, clerks and servants, for carrying on all and singular the said business, and with such salaries and allowances, as to them shall seem meet: *Provided*, that such by-laws, orders, rules and regulations be not repugnant to the constitution and laws of this state or of the United States.

Powers.

VII. *And be it further enacted*, That no transfer of stock shall be valid or effectual until such transfer shall be registered in a book or books to be kept for that purpose by the directors, and unless the person making the same shall previously discharge all debts due by him or her to the said corporation, which exceed in amount the residuary stock of such person.

Transfers.

VIII. *And be it further enacted*, That the total amount of debts at any time, and in any manner due by the said corporation, over and above the specie then actually deposited in the bank, shall not exceed three times the sum of the capital stock subscribed and actually paid into the said bank; and in case of any excess, the directors under whose administration the same may have happened, excepting those who dissented therefrom, or were not present when the same did happen, shall, in their individual and private capacities, be liable for such excess, and the estate of the said corporation shall likewise be liable therefor.

Debts, &c.

**Bills of cred-
it.** IX. *And be it further enacted,* That the bills obligatory and of credit, under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by endorsement thereon; under the hand or hands of such person or persons, his, her or their assignee or assignees, and so as absolutely to transfer and vest the property thereof in each and every assignee or assignees respectively, and to enable such assignee or assignees to bring and maintain an action thereupon, in his, her or their own name or names; and bills or notes which may be issued by order of the said corporation, promising the payment of money to any person or persons, his, her or their order, or to bearer, though not under the seal of the said corporation, shall be binding and obligatory upon the the same, in like manner; and with the like force and effect, as upon any private person or persons, if issued by him, her or them, in his, her or their private capacity or capacities, and shall be assignable or negotiable in like manner as if they were so issued by such private person or persons.

**Directors refusing to re-
deem with
specie, &c. to
close bank-
ing opera-
tions.** X. *And be it further enacted,* That if at any time after the passing of this act, the said president, directors and company should refuse, on demand being made at their banking house, during the regular hours of doing business, to redeem in specie or other lawful money of the United States, their said bills, notes, or other evidences of debt, issued by the said company, the said president, directors and company shall, on pain of forfeiture of their charter, wholly discontinue and close their said banking operations, either by way of discount or otherwise, until such time as the said president, directors and company shall resume the redemption of their bills, notes or other evidences of debt, in specie or other lawful money of the United States: And the said corporation shall be liable to pay to the holder or holders of all such bills or notes, and other evidences of debt, the payment whereof has been refused or delayed upon demand as aforesaid, damages for the non-payment thereof, at and after the rate of ten per centum per annum, until the same shall be paid as aforesaid; or otherwise satisfied; and in case the said president, directors and company shall at any time hereafter offend against either of the provisions of this act, it shall be the duty of the attorney general of this state, by information or otherwise, to prosecute the said company for such offence, and on conviction thereof, their charter shall be deemed void; and in case the said corporation shall at any time be dissolved, the stockholders thereof shall be responsible for the debts of the said corporation, to the amount of the stock held by each at the time of such dissolution.

**Stockholders
liable.**

**To pay sub-
scriptions.**

Dividends.

XI. *And be it further enacted,* That it shall be lawful for the directors for the time being, to call and demand of the stockholders respectively, all such sums of money by them subscribed or to be subscribed, at such time and in such proportions, as they shall see fit, under pain of forfeiture of their shares, and all previous payments made thereon, to the said company, always, however, giving sixty days previous notice of such call and demand, in each of the newspapers printed in said village of Geneva, and in one or more of the newspapers printed in the county of Seneca, if deemed requisite.

XII. *And be it further enacted,* That it shall be the duty of the directors to make half yearly dividends of so much of the surplus

profits of the said bank, as they or a majority of them shall deem advisable; and that the said corporation shall not demand any greater interest on a loan or discount for a time not exceeding sixty days, than at the rate of six per centum per annum.

XIII. *And be it further enacted*, That this present act of incorporation shall in no wise be forfeited by any non-user whatsoever, at any time before the first day of May, in the year one thousand eight hundred and eighteen; and it shall, on that day, be lawful for the stockholders to assemble for the purpose of carrying the same into effect, any want of notice in the manner above prescribed to the contrary notwithstanding.

Against forfeitures.

XIV. *And be it further enacted*, That it shall be the duty of the president and cashier of said bank, for the time being, to make a return under oath to the comptroller of this state, annually, on the first day of January, which return shall contain a true and full account of the funds and property of the said bank, the amount of its capital stock subscribed and paid, the amount of debts due to and from the said bank, the amount of the bills and notes emitted by the said bank in circulation, and the amount of specie in the said bank at the time of making such return; and in case the said president and cashier shall refuse or neglect to make such return as aforesaid, within thirty days after the time or times above specified as aforesaid, the legislature may at any time thereafter, in their discretion, dissolve the said corporation.

To report annually.

XV. *And be it further enacted*, That this act shall be deemed a public act, and shall be benignly and favorably construed, for all the purposes therein expressed and declared, in all courts and places whatsoever.

A public act.

CHAP. CXXXVI.

AN ACT to incorporate the Bank of Auburn.

Passed March 31, 1817.

WHEREAS, Joseph Colt, Enos T. Throop, Nathaniel Garrow, Glen Cuyler, Roswell Towseley, and others, associated as a company, under the name and style of "the bank of Auburn," by their petition, presented to the legislature, have prayed for the privilege of being incorporated as a company and body corporate: Therefore,

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That all such persons as shall be stockholders of the said bank, shall be, and hereby are ordained, constituted and declared to be, from time to time, and until the first day of January, which will be in the year of our Lord one thousand eight hundred and thirty-two, a body corporate and politic, in fact and in name, by the name of "the president, directors and company of the bank of Auburn;" and by that name, they and their successors, until that day, may and shall have succession, and shall be in law persons capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being

Incorporated

Previous.

Operations in Auburn.

Restricted in dealings.

Stock.

To be managed by 13 directors—how and when chosen.

defended, in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors may have a common seal, and may change and alter the same at their pleasure; and also, that they and their successors, by the aforesaid name of incorporation, shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of the said corporation: *Provided*, that the real estate which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for its immediate accomodation in relation to the convenient transaction of its business, or such as shall have been *bona fide* mortgaged to it, by way of security, or conveyed to it in satisfaction of debts previously contracted, in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts: *And provided*, that the said bank shall be established in the village of Auburn, and that its operation of discount and deposit shall be carried on in the said village of Auburn, and not elsewhere: *And provided also*, that it shall not be lawful for the said bank to issue any notes or bills, until an affidavit by the president and cashier of said bank shall be made and filed in the clerk's office of the county of Cayuga, stating, that the sum of twelve and a half per cent. upon each share of the capital stock of said bank has been actually paid into the said bank by the several stockholders, in specie: *And further*, that the said corporation shall not, directly or indirectly, deal or trade in business, or selling any goods, wares, merchandise, or commodities whatsoever, or in buying or selling any stock created under the United States, or of any particular state, unless in selling the same when truly pledged by way of security for debts due to the said corporation.

II. *And be it further enacted*, That the capital stock of said corporation shall be four hundred thousand dollars; and that a share in said stock shall be fifty dollars.

III. *And be it further enacted*, That the stock, property affairs and concerns of the said corporation, shall be managed and conducted by thirteen directors, to be appointed and chosen in manner hereinafter mentioned, who shall be stockholders, and citizens of this state, and shall hold their offices for one year, and until others shall be chosen in their places; the election for directors shall be held on the first Monday of November in each year, at such time of day and at such place within the village of Auburn as a majority of the directors shall appoint; and public notice shall be given, not less than thirty days previous to the time of holding said election, by an advertisement to be inserted in one of the public newspapers printed in said village of Auburn; the said election shall be made by the stockholders in the said incorporation, either in person or by proxy; and all elections for directors shall be by ballot; each stockholder shall be entitled to a number of votes equal to the whole number of shares which he or she shall have or hold in his or her name at least thirty days previous to the time of voting, that is to say, one vote for each and every share; and the thirteen persons who shall have the greatest number of votes as aforesaid, shall be directors; and if it should happen at any election, that two or more persons elected as aforesaid, shall have an equal number of votes, then the commissioners hereinafter mentioned at the first election, and after-

wards the directors in office at the time of such election, or major part of them, shall proceed to ballot, and by plurality of votes determine which of the said persons, so having an equal number of votes, shall be director or directors, so as to complete the whole number so to be elected; and the directors, as soon as may be thereafter, shall proceed, by ballot, to elect one of their number to be their president; and if any director living in the village of Auburn, shall remove out of the same, his office shall be considered as vacant; and all vacancies in the directors shall be filled for the remainder of the year in which they shall happen, by such person or persons as the remainder of the directors, or a majority of them, shall appoint.

IV. *And be it further enacted*, That Squire Muuro, Samuel D. Lockwood, Nathaniel Garrow, Glen Cuyler and James Porter, shall be commissioners, whose duty it shall be on or before the first Monday of June next, at some proper place in the village of Auburn, to open books to receive subscriptions to the capital stock of the said bank; and public notice shall be given by the said commissioners, of the time and place of opening such books, in all the newspapers printed in the county of Cayuga, for at least four weeks; and it shall be the duty of the said commissioners to keep said books open for the space of one week, and to receive the subscriptions of all persons inclined to subscribe therein, being residents of this state; and the said commissioners shall demand and receive from any subscriber at the time of subscription, the sum of one dollar in specie on each share so subscribed; and if the number of shares so subscribed, shall exceed eight thousand shares, the said commissioners shall apportion the same among the several subscribers in proportion to the amount of their several subscriptions; and the said commissioners shall be inspectors of the first election of directors of said bank, and shall certify under their hands the names of those duly elected, and deliver over to them the subscription books, together with the deposit in money on the stock so subscribed; and the time and place of holding such first election shall be fixed by said commissioners, and public notice for at least thirty days of the time and place of such election shall be given by the said commissioners as aforesaid; and the directors so chosen shall hold their office until the first Monday of November next; and in case the said number of eight thousand shares should not be subscribed for in the books directed by this act to be opened by the commissioners as aforesaid, within the time aforesaid, then subscriptions shall be opened and kept open, under the directions of the said commissioners, at such times and places as they shall think proper, until the whole number of shares shall be subscribed.

Commissioners to open books.

Notice.

V. *And be it further enacted*, That in case it should at any time happen, that an election of directors should not be made on the day prescribed by this act, the corporation for that cause shall not be deemed to be dissolved, but that it shall and may be lawful on any other day to hold and make an election of directors according to the by-laws and regulations of said corporation.

VI. *And be it further enacted*, That the directors for the time being, or a majority of them, shall have full power to make and prescribe such by-laws, orders, rules and regulations as to them shall appear needful, touching the management and disposition of the

By-laws.

stock, property, estate and effects of the said corporation, and the time and manner of the discounts and deposits made in and by the same; the duties and conduct of the officers, clerks and servants employed therein, the election of directors, and all such matters as appertain to the business of a bank; and shall also have power to appoint so many officers, clerks and servants, for carrying on all and singular the said business, with such salaries and allowances, as to them shall seem meet: *Provided*, that such by-laws, orders, rules and regulations be not repugnant to the constitution and laws of this state, or of the United States.

Transfer
stock.

VII. *And be it further enacted*, That no transfer of stock shall be valid or effectual, until such transfer shall be registered in a book or books to be kept for that purpose by the directors, and unless the person making the same shall previously discharge all debts due by him or her to the said corporation, which exceed in amount the residuary stock of such person.

Directors li-
able.

VIII. *And be it further enacted*, That the total amount of debts at any time and in any manner due by the said corporation, over and above the specie then actually deposited in the bank, shall not exceed three times the sum of the capital stock subscribed and actually paid in the bank; and in case of any excess, the directors under whose administration the same may have happened, excepting those who dissented therefrom or were not present when the same did happen, shall in their individual and private capacity be liable for such excess, and the estate of the said corporation shall likewise be liable.

Bills obliga-
tory, &c.

IX. *And be it further enacted*, That the bills obligatory and of credit under the seal of the said corporation, which shall be made to any person or persons, shall be assigned by endorsement thereon, under the hand or hands of such persons, his, her or their assignee, or assignees, and so as absolutely to transfer and vest the property thereof in each and every assignee or assignees respectively, and to enable such assignee or assignees to bring and maintain an action thereupon, in his, her or their name; and bills or notes which may be issued by order of the said corporation, promising the payment of money to any person or persons, by his, her or their order, or to bearer, though not under the seal of the said corporation, shall be binding and obligatory upon the same, in like manner, and with the like force and effect, as upon any private person or persons, if sued by him, her or them, in his, her or their private capacity or capacities, and shall be assignable or negotiable, in like manner as if they were issued by such private person or persons.

Specie pay-
ments.

X. *And be it further enacted*, That if, at any time after the passing of this act, the said president, directors and company should refuse, on demand being made at their banking house, during the regular hours of doing business, to redeem in specie, or other lawful money of the United States, their said bills, notes, or other evidences of debt, issued by the said company, the said president, directors and company shall, on pain of forfeiture of their charter, wholly discontinue and close their said banking operations, either by way of discount or otherwise, until such times as they the said president, directors and company shall resume the redemption of their bills, notes or other evidences of debts, in specie, or other lawful money of

the United States : And the said bank shall be liable to pay for all notes or bills or evidences of debt, due from them, which shall have been so demanded, and which shall not have been paid in specie as aforesaid, damages at and after the rate of ten per centum per annum, until the same shall be so paid or otherwise satisfied : And in case the said president, directors and company shall at any time hereafter offend against either of the provisions of this act, it shall be the duty of the attorney-general of this state, by information or otherwise, to prosecute said company for such offence, and on conviction thereof their charter shall be deemed void ; and in case the said corporation shall at any time be dissolved, the stockholders thereof shall be responsible for the debts of the said corporation, to the amount of the stock held by each at the time of such dissolution.

The Attorney-general shall prosecute for offences.

XI. *And be it further enacted*, That it shall be lawful for the directors for the time being, to call and demand of the stockholders respectively, all such sums of money by them subscribed, or to be subscribed, at such time and in such proportions as they shall see fit, under pain of forfeiture of their shares, and all previous payments made thereon, to the said company ; always however giving sixty days previous notice of such call and demand, in one or more of the newspapers published in the village of Auburn.

Directors may make calls.

XII. *And be it further enacted*, That it shall be the duty of the directors to make half-yearly dividends of so much of the surplus profits of the said bank, as they or a majority of them shall deem advisable ; and that the said corporation shall not demand any greater interest on a loan or discount, for a time not exceeding sixty days, than at the rate of six per centum per annum.

Dividends.

XIII. *And be it further enacted*, That the present act of incorporation shall in no wise be forfeited by any non-user whatsoever, at any time before the first Tuesday of December, in the year one thousand eight hundred and eighteen ; and it shall be lawful on that day for the stockholders above mentioned, to assemble for the purpose of carrying the same into effect, any want of notice in the manner above prescribed to the contrary in any wise notwithstanding.

Duration.

XIV. *And be it further enacted*, That it shall be the duty of the president and cashier of said bank, for the time being, to make a return, under oath, to the comptroller of this state, annually, on the first Tuesday of January ; which return shall contain a full and true account of the funds and property of the said bank, the amount of its capital stock subscribed and paid, the amount of debts due to and from the said bank, the amount of the bills and notes emitted by the said bank in circulation, and the amount of specie in the said bank, at the time of making such return. And in case the said president and cashier shall refuse or neglect to make such return as aforesaid, within thirty days after the time above specified as aforesaid, the legislature may at any time thereafter in their discretion dissolve the said incorporation.

Account of funds, &c.

XV. *And be it further enacted*, That this act shall be deemed a public act, and shall be benignly and favorably construed, for all the purposes therein expressed and declared, in all courts and places whatsoever.

A public act.

CHAP. CXXXVII.

AN ACT relative to slaves and servants.

Passed March 31, 1817.

I. *BE it enacted by the people of the state of New-York, represented in senate and assembly,* That every negro, mulatto or mustee, within this this state, who is now a slave, shall continue such, unless such slave shall be manumitted according to law; and that the baptizing of any such slave, shall not be deemed a manumission of such slave: *Provided always,* that every person born a slave within the United States, and who hath heretofore been, or shall hereafter be manumitted, shall be deemed, taken and adjudged to have been capable of taking by devise, descent or otherwise, all estates, real or personal, in the same manner as if he or she had been born free, and shall and may at all times hereafter, and in all courts, have the like remedy for the recovery of such estates, or for injuries done to the same, as if such person had been born free; but this act shall not be construed to create a cause of action against the former owner of such slave or his representatives.

Slaves to
continue
such unless
manumitted.

Marriages
valid.

II. *And be it further enacted,* That all marriages contracted, or which may hereafter be contracted, wherein one or both of the parties was, were or may be slaves, shall be considered equally valid as though the parties thereto were free, and the child or children of any such marriage shall be deemed legitimate: *Provided,* that nothing in this section contained, shall be deemed or construed to manumit any such slave or slaves.

Witnesses.

III. *And be it further enacted,* That no slave shall be a witness in any case, except for or against another slave, in criminal cases.

Free, in what
case.

IV. *And be it further enacted,* That every child born of a slave within this state, after the fourth day of July, in the year of our Lord one thousand seven hundred and ninety-nine, shall be free, but shall remain the servant of the owner of his or her mother, and the executors, administrators or assigns of such owner, in the same manner as if such child had been bound to service by the overseers of the poor, and shall continue in such service, if a male, until the age of twenty-eight years, and if a female, until the age of twenty-five years; and that every child born of a slave within this state after the passing of this act, shall remain a servant as aforesaid until the age of twenty-one years and no longer.

To be taught
to read.

V. *And be it further enacted,* That every person entitled to the services of any child, under and by virtue of this act, shall, before such child shall arrive at the age of eighteen years, teach such child, or cause to be taught, to read, so that it may be able to read the holy scriptures, or shall give such child, between the ages of ten and eighteen, four quarters schooling; and if the person so entitled to such service, shall neglect to cause such child so to be taught, or to have such schooling, then such child shall be released from its servitude when it shall arrive at the age of eighteen years, any thing herein contained to the contrary notwithstanding: *And further,* that in every such case, the overseers of the poor of the city or town in which such child shall or may be or reside, may, and it shall be

Provide.

their duty, forthwith to bind out such child, until it shall have arrived at the age of twenty-one years, in the manner described by the fourth and fifth sections of the act concerning apprentices and servants.

VI. *And be it further enacted*, That every person, being an inhabitant of this state, who is or shall be entitled to the service of a child born of a slave, as aforesaid, shall, within one year after the passing of this act, or after the birth of such child, cause to be delivered to the clerk of the city or town whereof such person shall be an inhabitant, an affidavit in writing, containing the name and addition of such person, and the name, age and sex of the child so born; which affidavit, whether the same be delivered before or after the said one year, shall be recorded by the said clerk in a book to be by him for that purpose provided; and such record thereof shall be good evidence of the age of such child; and the said clerk shall receive from such person twelve cents for recording every such affidavit; and if such persons shall neglect to deliver such affidavit to the said clerk, within the said space of one year, then the child or servant, concerning whose birth such affidavit shall have been so neglected to be delivered, shall be released from his or her servitude at the age of eighteen years, any thing in any former law notwithstanding; and every servant so released, shall be bound to service by the overseers of the poor, as is directed in and by the preceding section of this act.

Age of child to be recorded.

Fees.

VII. *And be it further enacted*, That it shall be lawful for the owner of any slave, to manumit such slave, by last will and testament, or by any instrument in writing under his hand; but if such slave, at the time of such manumission, be above the age of forty-five years, or within that age and not of sufficient ability to provide for his or her support, the person manumitting such slave, and his or her heirs, executors and administrators, shall respectively be liable for the maintenance of the slave so manumitted, in case such slave shall become a charge to any city or town within this state; and the overseers of the poor of any such city or town, shall and may, from time to time, recover the amount of the monies expended for the maintenance of the person so manumitted, from the person by whom he or she was so manumitted, or from his or her heirs, executors and administrators, by an action of trespass on the case, for money expended for his use or their use, in any court having cognizance thereof: *Provided nevertheless*, that if the owner of such slave, at or immediately before the time of such manumission, shall obtain a certificate, signed by the overseers of the poor of the city or town where such owner shall reside, or the major part of them, or if in either of the cities of New-York or Albany, by the mayor and recorder of such city, certifying that such slave appears to be under the age of forty-five years, and of sufficient ability to provide for himself or herself, or that the parent or parents of such slave is or are willing and able to maintain and provide therefor, and shall cause such certificate to be recorded in the office of the clerk of such city or town, such certificate, or certified copy thereof, shall be conclusive evidence of the facts therein contained, and forever exonerate such owner and his representatives from the maintenance of such slaves; and in case of the refusal of such overseers, or such mayor and recorder.

Owner may manumit. In what case liable.

May apply to court of sessions.

er, to grant such certificate, such owner may apply for the same to the court of general sessions of the peace of the city or county in which such owner shall reside, giving ten days notice of such application, to the said overseers, or mayor and recorder; and if such certificate be granted by the said court, the same shall be as effectual as if signed by such overseers, or mayor and recorder; and it is hereby made the duty of such overseers, mayor and recorder or court, to grant or refuse such certificate, according to the truth of the case; and for their services in granting such certificate, such overseer, or mayor and recorder, shall be entitled to receive from such owner, the sum of fifty cents each, and no more.

Manumission
valid, in
what case.

Previous,

VIII. *And be it further enacted*, That all manumissions of slaves made by the people called Quakers, and others, before the ninth day of March, in the year of our Lord one thousand seven hundred and ninety-eight, although not in strict conformity to the statutes then in force concerning such manumissions, shall be valid from the time the same were made: *Provided*, that every owner of a slave, so manumitted, and the heirs, executors and administrators of such owner, shall be liable for the maintenance of such slave, in case such slave hath or shall become a charge to any city or town within this state, and from time to time be subject to suits by the overseers of the poor, for monies expended by any such city or town, in the same manner as is provided in the preceding section of this act.

Slaves im-
ported to be
free.

IX. *And be it further enacted*, That no person held as a slave shall be imported; introduced or brought into this state, on any pretence whatever, except in the cases herein after permitted; and if any person, so held as a slave, shall be introduced or brought into this state, contrary to the true intent and meaning of this act, he or she shall be and is hereby declared free; and any slave who shall have been imported, introduced or brought into this state, contrary to the laws in force for the time being, shall be and is hereby declared free.

Slaves not to
be sold, in
what case.

X. *And be it further enacted*, That no person shall, under any color or pretext whatever, sell as a slave, or transfer, for any period, any person who shall have been imported or brought into this state, after the eighth day of April, in the year of our Lord one thousand eight hundred and one, as a slave, and that every person so imported or brought into this state and sold, or transferred, contrary to the true intent and meaning of this act, shall be free, except as is hereinafter otherwise excepted.

Certain con-
tracts void.

XI. *And be it further enacted*, That no indenture, bond or contract for personal service, hereafter made or entered into by any person who has been held or possessed as a slave without this state, shall be obligatory within this state, on the person so bound to service, but the same is hereby declared to be utterly void; and every such indenture, bond or contract, made since the thirtieth day of March, in the year of our Lord one thousand eight hundred and ten, shall likewise be utterly void; and if any person so having been holden as a slave, shall have been, since the day last aforesaid, or shall hereafter be indentured, or bound by such indenture, bond or contract, he or she shall be and is hereby declared to be free.

Slaves may
be hired out.

XII. *And be it further enacted*, That notwithstanding any thing in this act, it shall be lawful for all persons residing in this state,

who have emigrated from any other of the United States, between the fifth day of April, in the year of our Lord one thousand eight hundred, and the first day of May, one thousand eight hundred and ten, who hold in their own right, slaves which they lawfully brought with them from either of the said states, to retain in service or hire out their said slaves to any citizen of this state for a term of time not exceeding seven years; but at the end of such term of time for which such slave may be so hired, every such slave shall be free: *Provided always*, that the owners of such slaves shall not be exonerated from their liability to maintain any such slave, who at the expiration of the term for which he or she shall be so hired out, shall not be of sufficient ability to maintain himself or herself: *And provided also*, that nothing herein, nor in the act, entitled "an act relative to slaves and servants," passed the ninth day of April, one thousand eight hundred and thirteen, contained, shall be construed to deprive any person of freedom, who was entitled thereto by virtue of the act, entitled "an act for the payment of certain officers of government, and for other purposes," passed the sixth day of April, one thousand eight hundred and ten.

Proviso.

Proviso.

XIII. *And be it further enacted*, That if any person shall send to sea, or export, or attempt to export from this state, or send or carry out of, or attempt to send or carry out of this state, except as is by this act provided, any slave or servant, every person so exporting, or attempting to export, or sending or carrying out of this state, or attempting to send or carry out of this state, such slave or servant; and every person aiding or consenting to such exportation, or attempt to export, or to such sending or carrying out of this state, or to such attempt to send or carry out, shall be deemed guilty of a public offence, and forfeit the sum of five hundred dollars, with costs of suit, to be recovered by any person who will sue for the same, in any court of record having cognizance thereof; the one half of which forfeiture shall be paid to the overseers of the poor of the city or town in which such offence shall be committed, for the benefit of the said poor, and the other half to the person who shall sue for the same to effect: *And further*, that every slave or servant, so exported, or attempted to be exported, or sent to sea, shall be free: *Provided*, that nothing herein contained shall apply to any slave or servant, who shall be pardoned by the executive on condition of leaving this state.

Penalty for exporting slaves.

Proviso.

XIV. *And be it further enacted*, That it shall be lawful for every person who shall have resided ten years within this state, and who shall be about to remove permanently therefrom, to carry with him or her every such slave as shall have been the property of such person during ten years next preceding: *Provided*, that before such person shall attempt to carry away such slave out of this state, he or she shall make legal proof before a judge of the court of common pleas of the county, or before the mayor or recorder of the city, in which he or she last resided, that such slave hath been his or her property during ten years then next preceding; and shall also prove to the satisfaction of the said judge, mayor or recorder, by the oath of two credible witnesses, who shall be known to the said judge, mayor or recorder, or who shall be proved to the satisfaction of the said judge, mayor or recorder, to be credible witnesses, that such person intend-

Persons removing from this state may, under certain restrictions, carry their slaves with them.

Provided.

Masters of vessels restricted.

Persons travelling may take slaves with them.

ing to carry away such slave out of this state, hath resided within this state ten years next preceding; and that such slave hath been in the service or employment of such person, as a slave, during that time, and shall obtain a licence from such judge, mayor or recorder, to carry such slave out of the state: *And provided also*, that nothing in this act contained shall be deemed or taken to authorise any person, so residing as aforesaid, who shall be entitled to any slave or servant, or shall hold such slave or servant upon condition of services for a term of years, and who shall be about to remove permanently from this state, to take such slave or servant therefrom; and every master of a vessel who shall knowingly receive on board his vessel, for the purpose of carrying out of this state, any slave, for whose exportation such licence as aforesaid hath not been obtained, or who having ignorantly received on board his vessel such slave, shall suffer such slave to depart from his said vessel, in any place out of this state, shall be deemed guilty of a public offence, and for every such offence shall forfeit the sum of five hundred dollars, to be recovered, with costs of suit, by any person who will sue for the same, by action of debt, in any court of record having cognizance thereof, the one half of which forfeiture shall be paid to the treasurer of this state, for the use of the people thereof, and the other half to the person who shall sue for the same to effect.

XV. *And be it further enacted*, That it shall be lawful for any person not an inhabitant of this state, who shall be travelling to or from, or passing through this state, to bring with him any slave, and take such slave with him from this state, provided such slave shall not reside or continue in this state more than nine months; and it shall also be lawful for any inhabitant of this state, going a journey to any other part of the United States, to carry with him or her any such slave or servant as aforesaid; but such inhabitant shall bring back such slave or servant, and in default thereof shall be deemed to have committed a public offence; and for every such offence shall forfeit the sum of five hundred dollars, to be recovered and paid in like manner as the forfeiture mentioned in the thirteenth section of this act, unless he or she shall, within one month after his or her return, make proof by his or her own oath, or otherwise, to the satisfaction of such judge, mayor or recorder as aforesaid, that every such slave or servant, not brought back as aforesaid, could not be brought back, by reason of some unavoidable accident; and unless such person shall forthwith file a certificate of having made proof as aforesaid, signed by the magistrate before whom such proof hath been made, in the office of the clerk of the city or town in which he or she shall reside.

Persons coming to reside in this state.

XVI. *And be it further enacted*, That any person coming into this state, with intent to reside permanently therein, may bring with him or her any slave born since the fourth day of July, in the year of our Lord one thousand seven hundred and ninety-nine, and belonging to him or to her, provided such person shall, within six months after bringing such slave into this state, file, with the clerk of the city or town, in which he or she shall reside, the affidavit of such person in writing, containing the name and addition of such person, and particularly the name, age and sex of such slave; which affidavit shall be recorded by the said clerk, in the book directed to

be kept by the sixth section of this act, and a certified copy of the said record shall be good evidence of the age of such slave.

XVII. *And be it further enacted,* That every slave born since the said fourth day of July, in the year of our Lord one thousand seven hundred and ninety-nine, and brought into this state in the manner mentioned in the last preceding section, shall be free, but shall remain the servant of the person who brought such slave into this state, as aforesaid, and the executors and administrators of such person, in the same manner as if he or she had been bound to service by the overseers of the poor, and shall continue in such service, if a male, until the age of twenty-eight years, and if a female, until the age of twenty-five years; and the master or mistress of such servant shall be bound to use all reasonable means to teach such servant to read, if under the age of twenty-one years, as is directed in and by the fifth section of this act, and subject to the same penalty for neglect, as is therein contained.

Slaves who are brought into this state to be free at 25 and 28s

To be taught to read.

XVIII. *And be it further enacted,* That it shall be lawful for any person who is or shall be entitled, by virtue of this act, to the service of any person born of a slave, to abandon such servant, at any time after he or she shall be of the age of twenty-one years; the person so abandoning such servant shall, at, or immediately before, such abandonment, obtain a certificate, signed by the overseers of the poor of the city or town where he or she shall reside, or the major part of them, if of the city of New-York, or of Albany, by the mayor and recorder of such city, certifying that such servant appears to be of the age of twenty-one years, and of sufficient ability to provide for himself, or herself, which certificate shall be recorded in like manner, and have the same effect, with the certificate mentioned in the seventh section of this act; and in case of refusal to grant such certificate, the said master or mistress may apply to the court of general sessions of the peace, in the manner mentioned in the said seventh section; and it shall be the duty of such overseers, mayor, recorder and court, to grant or refuse such certificate, according to the truth of the case.

Slaves may be abandoned after twenty-one years.

XIX. *And be it further enacted,* That the children of slaves, born between the fourth day of July, in the year of our Lord one thousand seven hundred and ninety-nine, and the thirty-first day of March, in the year of our Lord one thousand eight hundred and four, and who shall have been duly abandoned, previous to the last mentioned day, shall continue to be provided for at the expense of the state, according to the then existing laws thereof; and no contract by any overseers of the poor for the support of any person so abandoned, made before the twenty-sixth day of March, in the year of our Lord one thousand eight hundred and two, according to the provisions of the then existing statutes, shall be affected by this act; but the same shall be governed by the statutes then in force, any thing herein contained to the contrary notwithstanding.

Certain abandoned slaves to be provided for by the state.

XX. *And be it further enacted,* That if any person shall wilfully suffer or permit his slave, or such servant as aforesaid, to beg of others victuals, clothing or other necessaries, such person shall forfeit the sum of twenty-five dollars for every such offence, to be recovered by action of debt, with costs of suit, in any court having

Slaves not to beg.

cognizance thereof, by any person who will sue for the same, one half of which forfeiture shall be paid to the prosecutor, and the residue to the overseers of the poor of the city or town in which such offence shall be committed, for the benefit of such poor.

Fraudulent
sales of slaves

XXI. *And be it further enacted,* That if any person shall, by fraud or collusion, sell, or pretend to sell or dispose of any aged or infirm slave, to any person who is unable to maintain such slave, such sale or disposition shall be void, and the person making the same shall forfeit the sum of fifty dollars for each offence, and shall moreover be deemed the owner of such slave, within the meaning of the seventh section of this act, and the forfeitures shall be recovered and applied as is directed in the next preceding section of this act.

Penalty for
harboring a
slave or ser-
vant;

XXII. *And be it further enacted,* That if any person shall employ, harbor, conceal or entertain, any slave, or such servant as aforesaid, knowing such slave or servant to belong to any other person, without the consent of such owner, such person shall forfeit to the owner of such slave or servant, the sum of twelve dollars and fifty cents for every twenty-four hours, and in that proportion for a greater or less time, which such slave or servant shall have been so employed, harbored, concealed or entertained; but such forfeiture shall not in the whole exceed the value of such slave, or of the service such owner is entitled to receive from such servant: *And further,* if any person shall be guilty of harboring, entertaining or concealing, or of assisting to convey away any such slave or servant, and such slave or servant be lost or die, such person shall forfeit to the owner of such slave or servant, the value of such slave, or of the service such owner shall be entitled to receive from such servant; all of which forfeitures may be recovered by an action of debt, with costs of suit, in any court having cognizance thereof.

Or conveying
away;

Or trading
with;

XXIII. *And be it further enacted,* That if any person shall trade or traffic with any such slave or servant, knowing them to be such, either in buying or selling, without the consent of the owner of such slave, or the master or mistress of such servant, such person shall, for every such offence, forfeit treble the value of the articles so bought or sold, and also the sum of twelve dollars and fifty cents, to the owner of such slave or servant, to be recovered with costs against such person, by action of debt, in any court having cognizance thereof; and every contract so made with such slave or servant shall be void.

Or selling li-
quor to.

XXIV. *And be it further enacted,* That if any person shall sell any rum or other strong liquor, to any such slave or servant, knowing him or her to be such slave or servant, without the consent of the owner of such slave, or the master or mistress of such servant, such person shall forfeit, for every such offence, the sum of five dollars, to be recovered in the name of the owner of such slave or servant, with costs, by action of debt, in any court having cognizance thereof; the one half of which forfeiture shall be paid by such owner to the overseers of the poor of the city or town where such offence shall be committed.

Masters li-
able for tres-
passes of
their slaves.

XXV. *And be it further enacted,* That if any person shall, by trespass committed by any such slave or servant, whilst such slave or servant remains in the employ and custody of such owner, sustain damage to the value of twelve dollars and fifty cents or under, the

owner of such slave, or the master or mistress of such servant, shall be liable to make satisfaction for the same to the party injured; to be recovered by action of debt, with costs, in any court having cognizance thereof.

XXVI. *And be it further enacted*, That all complaints by any servant, born of a slave and made free by virtue of this act, arising under this act, against his or her master or mistress, and all complaints by any such master or mistress against such servant, shall be heard, tried and determined in the manner, and with like effect, as complaints by and against masters and apprentices, under the laws of this state.

Complaints between masters and servants.

XXVII. *And be it further enacted*, That if any person shall knowingly and wilfully swear falsely, on any oath or deposition, made or taken by virtue of or pursuant to this act, such false swearing shall be deemed and taken to be wilful and corrupt perjury; and the person thereof convicted shall be liable to all the pains and penalties thereof.

False swearing.

XXVIII. *And be it further enacted*, That if any such slave shall strike a white person, it shall be lawful, on proof of the same, by the oath of such person, for any justice of the peace to commit such slave to gaol, who shall thereupon be tried and punished as in cases of petit larceny, according to the act, entitled "an act declaring the powers of the courts of general sessions of the peace, and the powers and duties of justices of the peace."

Slave not to strike a white person.

XXIX. *And be it further enacted*, That if any person shall, without due process of law, seize and forcibly confine, or inveigle or kidnap, any negro, mulatto, mustee or other person of color, with intent to send or carry him out of this state against his will, or shall conspire with any other person or persons, or aid, abet, assist, hire, command or procure any other person to commit the said offence, or any captain of a vessel or other person, shall sell or dispose of in any foreign port or place any negro, mulatto, mustee or other person of color, and shall be duly convicted of any of the said offences, before any court of oyer and terminer or general sessions of the peace of any county in or through which such negro, mulatto, mustee or other person of color as aforesaid have been brought, taken, kidnapped, confined, seized or inveigled, or sold as aforesaid, shall be fined or imprisoned, or both, in the discretion of the court before which such conviction shall be had, such fine not to exceed one thousand dollars, and such imprisonment not to exceed fourteen years at hard labor in the state prison; and it shall be lawful for the said court to imprison such offender in the county gaol, provided the term of imprisonment imposed shall not require the offender to be sent to the state prison.

Kidnapping.

Whereas persons of color, owing service or labor in other states, sometimes secrete themselves on board of vessels while such vessels are lying in the ports or harbors of other states, and thereby subject the commanders thereof to heavy fines and penalties: Therefore,

XXX. *Be it further enacted*, That it shall be lawful for all such captains or commanders, or their agents, to seize such person of color and take him before any magistrate of a county, or if in the city of New-York, before the justices of the police office, and upon proof by oath or affirmation, to the satisfaction of the said

Persons of color secreting themselves on board of vessels may be returned.

Provide.

magistrate or justice, that such person of color did, without his consent or knowledge, secrete himself on board his vessel, such magistrate or justice shall give a certificate thereof to such captain, commander or agent, which shall be a sufficient warrant to send or carry such person of color to the port or place from which such person was so brought: *Provided*, that nothing in this section contained shall prevent such person of color, when brought before such magistrate or justice, from proving he does not owe service or labor in any other state.

XXXI. *And be it further enacted*, That in any action instituted for the recovery of the penalties under this act, the person or persons sued may be held to special bail.

When free.

XXXII. *And be it further enacted*, That every negro, mulatto or mustee within this state, born before the fourth day of July, one thousand seven hundred and ninety-nine, shall, from and after the fourth day of July, one thousand eight hundred and twenty-seven, be free.

Acts repealed.

XXXIII. *And be it further enacted*, That the act, entitled "an act concerning slaves and servants," passed April 9th, 1813, and the act, entitled "an act to prevent kidnapping of free people of color," passed February 25, 1813, be and the same are hereby repealed: *Provided*, that nothing herein contained shall in any wise be deemed or taken to affect any penalties, pains or forfeitures, incurred for any violation of either of the said acts.

CHAP. CXXXVIII.

AN ACT to alter the time of holding town meetings in the town of Schroon, in the county of Essex, and to annex a part of the town of Richland to the town of Mexico, in the county of Oswego.

Passed March 31, 1817.

I. *BE it enacted by the people of the state of New-York, represented in senate and assembly*, That the annual town meetings in the town of Schroon, in the county of Essex, shall, after the first Tuesday of April next, be held on the first Tuesday in March, annually; and that all such town officers, whose duty it was to meet on the last Tuesday in March, shall meet on the last Tuesday in February, to do and transact such business as to their respective offices may appertain.

II. *And be it further enacted*, That all that part of the town of Richland, in the county of Oswego, known as lots number one hundred and thirty-seven, one hundred and thirty-eight, one hundred and thirty-nine, one hundred and forty, one hundred and forty-one, one hundred and forty-two, one hundred and forty-three, one hundred and forty-four, one hundred and forty-five, one hundred and forty-six, one hundred and forty-seven, and one hundred and forty-eight, shall be and the same is hereby annexed to the town of Mexico, in said county.

CHAP. CXXXIX.

AN ACT *appointing commissioners to lay out certain roads therein mentioned, in the county of Broome.*

Passed March 31, 1817.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly,* That Mason Whiting, James Pumpela, and Joseph Walda, 2d, be and they are hereby appointed commissioners to lay out the following roads or highways, each four rods wide: one commencing at or near the village of Owego, in said county, and running a northeast direction to the Jericho and Ithaca turnpike, in the town of Lisle, by the most direct and eligible route; the other road to commence at the west line of lot number twenty-eight, in Broughan's patent, and running in a northwest direction, the most direct and eligible route to the same turnpike, in the town of Berkshire.

Commissioners appointed.

II. *And be it further enacted,* That when the said commissioners shall have laid out said roads, they shall cause a description of the route of each of the said roads to be filed in the clerk's office of the said county.

To file description.

III. *And be it further enacted,* That there shall be assessed, paid and collected, for the purpose of opening and making said roads, on every acre of land in each lot where any part of said lot shall lie within one mile of either said roads, (except the land belonging to the people of this state) not more than twelve and an half cents, nor less than three cents; which said assessment shall be made in proportion to the value of the land and to the advantages resulting to the owners thereof, from the establishment of said roads.

Assessments.

IV. *And be it further enacted,* That the said commissioners shall, as soon as the routes of the said roads shall be marked and fixed upon by them, examine the land hereby made subject to a assessment, and make the said assessment fairly thereupon in writing, and shall ascertain and describe the lots and parcels of land so assessed, as accurately as may be; which assessment, so to be made in writing as aforesaid, shall be filed in the office of the treasurer of said county; and it shall thereupon be the duty of the said treasurer to give notice, in one of the newspapers printed in said county, three months successively, that said assessment had been made agreeable to the said act, and that unless the said tax be paid within the said three months, to the said treasurer, that the said assessment roll, or so much thereof as shall remain unpaid, would be returned to the comptroller of this state; and that the said treasurer shall, as soon thereafter as may be, certify to the comptroller of this state, so much of the assessment roll as shall remain unpaid; and that the said comptroller shall, on the receipt of the same, pay to the order of the said treasurer the amount of the said assessment or tax so remaining unpaid, and it shall be the duty of the said comptroller to give notice, in the newspaper published by the printer of this state, describing particularly all the lots or parcels of land on which the said tax shall remain unpaid, that the same will be sold at public vendue, by the said comptroller, in the city of Albany, to the highest bidder, or so much thereof as may

To make just assessments.

be necessary to raise the several sums so assessed and remaining unpaid, together with all the expenses of advertising, selling and conveying the same, on such day as he shall appoint, not exceeding three months nor less than two months from the date of such advertisement; and the said comptroller shall be and hereby is authorised to execute a conveyance to the purchasers of the land so sold, which shall vest the absolute title thereof, in fee simple, in the purchaser :
Proviso. *Provided*, the owners of such lands, so sold by the said comptroller, shall not, within two years after the said sale, pay to the said comptroller, for the benefit of such purchaser, the sum paid for the same, with interest at the rate of fourteen per cent. per annum.

Treasurer to pay moneys.

V. *And be it further enacted*, That the said treasurer shall pay over to the said commissioners all monies that he may receive, by virtue of this act, for the purpose of making the roads aforesaid :
Provided however, that the said commissioners shall, before they receive the said money, or any part thereof, enter into a bond with such security and in such sum as shall be approved by the said treasurer of the county, with whom the same shall be filed, with the condition that they will faithfully expend and account for the said sum of money, according to the true intent and meaning of this act.

Commissioners to give security.

Their pay.

VI. *And be it further enacted*, That each of the said commissioners appointed by this act, shall be entitled to receive, out of the monies to be paid to them, two dollars and fifty cents for each and every day's service in which they shall be employed in exploring, making and laying out said roads, making said assessment, or in expending said monies on said roads, together with the wages and expenses of such persons as they shall employ to assist them in executing the duties enjoined by this act.

CHAP. CXL.

AN ACT to erect parts of the towns of Kortright in the county of Delaware, and Maryland in the county of Otsego, into a separate town by the name of Davenport.

Passed March 31, 1817.

Bounds of Davenport.

I. *BE it enacted by the people of the State of New-York, represented in Senate and assembly*, That from and after the last day of March, one thousand eight hundred and seventeen, such parts of the towns of Kortright and Maryland as are contained in the following bounds, to wit: beginning at the Charlotte river, on the southwest corner of the town of Maryland; and running from thence north on the line between the towns of Maryland and Milford, to the north line of lot number four of Fitch's patent; thence east to the northeast corner of lot number seven; thence south to the northwest corner of lot number nine; thence easterly to the northeast corner of lot number thirty-five of said patent; thence on a direct line to the centre of the Charlotte creek, at the southeast corner of the town of Maryland, which is the southwest corner of the town of Worcester; thence down the same to the east line of the town of Kortright; thence southerly on the said line so far as to include two tier of lots of

Kortright's patent; thence westerly on the line of said lots to the Goldsborough patent; thence in a direct line to the northeast corner of the town of Meredith; thence along the northerly line of Meredith to the easterly line of Franklin; thence northerly along said line to the Susquehanna river; thence up the said river to the north of Charlotte river; thence up the same to the place of beginning, shall be and hereby is erected into a separate town by the name of Davenport; and that the first town meeting shall be held at the house of the widow Sigbie, on the second Tuesday of April next, and on the first Tuesday of April in each year thereafter, in said town; and that the remaining parts of the said towns of Kortright and Maryland, shall be and remain separate towns by the names of Kortright and Maryland.

Town meet-
ings.

II. *And be it further enacted*, That as soon as may be after the first town meeting, the supervisors and overseers of the poor of said towns respectively, on notice being given for that purpose, shall meet together and apportion the money and poor belonging to said towns of Kortright and Maryland, previous to the division thereof, agreeable to the last tax lists; and that each of the said towns shall forever thereafter respectively maintain and support their own poor.

To divide
poor & mon-
ey.

III. *And be it further enacted*, That the aforesaid town of Davenport shall belong to and be a part of the county of Delaware.

A part of
Delaware co.

CHAP. CXLI.

AN ACT directing a sum of money to be raised by a lottery to open the middle ground and improve the ferry between the city of Hudson and village of Athens.

Passed March 31, 1817.

WHEREAS opening the middle ground between the city of Hudson and village of Athens, would be of great public utility in facilitating the passage across the river at those places, and the intercourse between the eastern and western sections of the country: and whereas the corporations of Hudson and Athens have, by their petition to the legislature, prayed that a sum of money may be raised by lottery to effect the salutary object aforesaid, and the legislature always willing to extend their munificence to such laudable improvements—Therefore,

BE it enacted by the people of the state of New-York, represented in senate and assembly, That the managers appointed under the act instituting a lottery for the promotion of literature and for other purposes, passed April 13, 1814, be and they are hereby directed and required to raise the further sum of ten thousand dollars, with interest thereon, in equal proportion, in the four first classes of the lottery constituted in and by the said act; and when so raised, to pay the same over to the corporations of the city of Hudson and village of Athens, for the purposes herein mentioned.

CHAP. CXLII.

AN ACT to incorporate the Fishkill mountain turnpike company.

Passed March 31, 1817.

Associates. I. BE it enacted by the People of the state of New-York, *represents* in Senate and Assembly, That Thomas Lawrence, Lewis Ludinton, Henry Dubois, James Towner and Peter Berry, and all such persons as shall associate for the purpose of making a good and sufficient turnpike road, to begin at the corner of a road near the dwelling house of Jonathan Squires, of the town of Patterson, in the county of Putnam, and running from thence westwardly, crossing the Philipstown turnpike at or near the dwelling house of Hezekiah Pecks, and from thence to or near the dwelling house of Jacob I. Adriance of the town of Fishkill, in the county of Dutchess, be and they are hereby created a body corporate and politic, in fact and in name, by the name and style of "the Fishkill mountain turnpike company,"

Route.

Style. and by that name and style they and their successors shall have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatever, and in all manner of suits, actions, complaints, causes and matters whatsoever; and by the same name and style shall be in law

Power. capable of purchasing, holding and conveying any estate, real or personal, for the use of the corporation: *Provided*, that such estate, so to be purchased and held, shall be necessary to fulfil the objects of the said incorporation, and for no other purpose whatsoever.

Proviso.

II. *And be it further enacted*, That the stock of the said company shall consist of three hundred and fifty shares, of twenty-five dollars each; and that Thomas Lawrence, Peter Berry and Elisha Brown, be and they are hereby appointed commissioners to receive subscriptions for said stock, in the manner directed in and by the act, entitled "an act relative to turnpike companies," passed the 13th day of March, 1807.

Amount of stock. Commissioners to receive subscriptions

III. *And be it further enacted*, That the said company hereby incorporated, shall be entitled to exact and receive, at each of the gates or turnpikes to be erected on said road, for any number of miles not less than ten, in length of said road, the following sums of money, and so in proportion for any greater or less distance, from all persons using or travelling the same: for every waggon or cart drawn by two horses, mules or oxen, twelve and an half cents, for every additional horse, mule or ox attached to such waggon or cart, three cents; for every cart or other carriage drawn by one horse, mule or ox, nine cents, and for every additional horse, mule or ox attached to such cart or carriage, three cents; for every horse and rider, six cents; for every horse led or driven, three cents; for every stage, waggon or chariot, coach or coachee, phaeton, curricie or other pleasure carriage, drawn by two horses, twenty-five cents, and and for every additional horse attached to such carriage, three cents; for every chaise, chair, sulkey or other pleasure carriage drawn by one horse, fifteen cents, and in like proportion for every additional horse; for every sled or sleigh drawn by two horses, oxen or

Tolls.

mules, six cents, and for every additional horse, ox or mule, two cents; for every sleigh or sled drawn by one horse, ox or mule, four cents; for every score of cattle, horses or mules, twenty-five cents; and for every score of hogs or sheep, twelve and an half cents, and so in proportion for a greater or less number.

IV. *And be it further enacted*, That the number of directors for the said company shall be five, three of whom shall be a quorum; and the company hereby created and incorporated, shall enjoy all the rights and privileges, and be subject to all the pains and penalties, contained and expressed in the aforesaid act, relative to turnpike companies, only as it respects the chord of the arch of said road, which shall be not less than twenty feet wide, independent of the ditches, any thing in the said act relative to turnpike companies to the contrary notwithstanding.

Five Directors.

Chord of the arch to be twenty-five feet.

CHAP. CXLIII.

AN ACT *concerning certain Indians residing within this state.*

Passed April 5, 1817.

Be it enacted by the people of the state of New-York, represented in senate and assembly, That it shall not be lawful for any white person, under any pretence, or on any account whatever, to receive from any Indian, residing on a tract of land belonging to or occupied by the Mohekonnic or Stockbridge Indians, or on the reservation lands of the Oneida or Brothertown Indians, any article or articles whatsoever, by way of pawn or pledge; and that every person who shall receive such pawn or pledge, shall forfeit the sum of twenty dollars, to be recovered in an action of debt, in the name of the Indian from whom he shall have received such pawn or pledge, in any court having cognizance thereof, with costs: and that every such pledge or pawn, or the value thereof, shall also be recoverable, with costs, by the Indian from whom the same shall have been received, in an action of replevin or trover, at his election.

CHAP. CXLIV.

AN ACT *to repeal an act, entitled "an act to amend the act, entitled "an act to regulate sales by public auction, and to prevent stockjobbing."*

Passed April 5, 1817.

BE it enacted by the people of the state of New-York, represented in senate and assembly, That the act, entitled "an act to amend the act, entitled "an act to regulate sales by public auction, and to prevent stockjobbing," passed the 12th November, 1816, be and the same is hereby repealed.

CHAP. CXLV.

AN ACT *respecting the free school society of New-York.*

Passed April 5, 1817.

Preamble.

WHEREAS the trustees of the free school society of New-York, have by their petition to the legislature solicited certain alterations in the act incorporating the said society, and also that the application of their portion of the school monies may be extended : Therefore,

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly.* That the subscription or contribution necessary to become a member or trustee of the said corporation, shall be twenty-five dollars, and that in addition to the number of trustees authorised by law, it shall be lawful for the said trustees, in their discretion, to appoint at their first meeting after each annual election any number of trustees not exceeding twelve.

How surplus monies may be applied.

II. *And be it further enacted;* That if any surplus school monies shall remain in the hands of the said trustees, after an ample compensation to the teachers employed by them, it shall and may be lawful for them to apply such surplus to the instruction of school masters on the Lancasterian plan, to the erection of buildings for schools, and to all the needful purposes of a common school education, and to no other purposes whatever.

And whereas the said trustees, and a number of inhabitants of the northeast part of the city of New-York, have by their petitions represented, that at Manhattan-Island, and two adjoining settlements, there is a considerable population, embracing perhaps one thousand children, who are destitute of the means of education ; that suitable lots have been appropriated for a school establishment there, and that with a grant of a sum of money out of the excise fund, raised in the said city, as has been done on similar and former occasions, the said trustees will be enabled, with their other resources, to dispense the blessings of education in that quarter of the said city : Therefore,

How other monies shall be applied.

III. *Be it further enacted,* That out of the monies appropriated by the act, entitled " an act to lay a duty on strong liquors, and for regulating inns and taverns," to the payment of the contingent charges of the city of New-York, and which shall come into the treasury of the said city, after the first Tuesday of May next, there shall be paid to the trustees of the said society, for the exclusive purpose of erecting a suitable building, according to the prayer of the said petitioners, the sum of two thousand dollars.

CHAP. CXLVI.

AN ACT *to provide for the dissolution of incorporated insurance companies in the city of New-York.*

Passed April 5, 1817.

I. *BE it enacted by the people of the State of New-York, represented in senate and assembly,* That whenever the directors of any

incorporated insurance company in the city of New-York, or the majority of such directors, shall deem it necessary or beneficial to the interests of the stockholders to dissolve such corporation, it shall be lawful to dissolve the same pursuant to the provisions of this act.

Directors may dissolve company.

II. *And be it further enacted*, That in all such cases the directors of any such insurance company, or the majority of such directors, may present to the chancellor of this state a petition, briefly setting forth the reasons which induce them to relinquish their charter, accompanied with a full, just and true statement of all their estate and effects, real and personal, and of all debts due to and from such company, and of all covenants, contracts and engagements entered into by such company, and which may not have been fully satisfied, settled or otherwise cancelled, which statements shall be verified by such directors upon oath or affirmation, to be a full and true account thereof as far as they respectively know.

To present a petition to the chancellor.

III. *And be it further enacted*, That the said chancellor is hereby authorised and required, upon receiving such petition, accompanied with such statement aforesaid, and verified in the manner before directed, to cause public notice to be given in such manner as he shall deem fit, not less than thirty days, for all persons interested in such company to shew cause why the prayer of such petition should not be granted.

Chancellor to cause public notice to be given.

IV. *And be it further enacted*, That if by the expiration of the time limited by such notice, no cause shall be shown against dissolving such incorporated insurance company, or if cause be shown which, in the opinion of the chancellor, is insufficient, he having due regard to the interests of the stockholders and all persons interested therein, the said chancellor is fully authorised and empowered to decree a dissolution of the said company, and a just distribution of the estate, funds and effects of such company, among the stockholders, in proportion to their rights therein, after the payment of all its debts, and the extinguishment of all its covenants, contracts and engagements: *Provided always*, that any person interested in such company, feeling himself aggrieved by any decree to be made by the said chancellor for the dissolution thereof, may appeal from any such decree in like manner as is allowed in all other cases of appeal from decrees of the court of chancery.

Chancellor may decree a dissolution.

Distribution of effects.

Proviso.

V. *And be it further enacted*, That if any such decree shall not be appealed from within six months after the said decree shall be made, or if appealed from shall be affirmed, then such insurance company shall cease to be a body corporate, and the estate, funds and effects of such company, after the payment of all its debts, and the extinguishment of all its covenants, contracts and engagements, shall be distributed among the stockholders, in proportion to their respective rights therein.

If no appeal in 6 months.

VI. *And be it further enacted*, That the said chancellor is hereby authorised, from time to time, to appoint so many of the directors or stockholders of any such insurance company as he may think proper, to be trustees for the purposes before mentioned; and such trustees may sue and be sued, either at law or in equity, as trustees of such company, and shall continue subject to the control of the

Chancellor may appoint trustees.

Trustees may sue and be sued.

said chancellor until the affairs of such company be finally settled.

Public act.

VII. *And be it further enacted*, That this act shall be deemed and taken to be, in all respects, a public act, and shall be favorably and benignly construed in all courts and places for the purposes thereby intended.

CHAP. CXLVII.

AN ACT *for the relief of the devisees in the last will and testament of Theodorus Snedeker, deceased.*

Passed April 5, 1817.

BE it enacted by the people of the state of New-York, represented in senate and assembly, That it shall be lawful for the devisees in the last will and testament of Theodorus Snedeker, deceased, to make partition of the real estate devised by the said will during the life time of his widow Effy, in the manner prescribed by the said will, and such partition shall vest the said devisees with the same estate, and be as valid to all intents and purposes, as if the same was made after the death of the said Effy Snedeker: *Provided*, that no such partition shall be made, unless it shall be made to appear to the satisfaction of the chancellor, that the said Effy, and all the other devisees in the said will who are of full age, shall assent to the said partition, and that the same will be beneficial to such infants as have any interest therein, and unless the same shall, on a review of all the circumstances, be directed by order or decree of the court of chancery.

CHAP. CXLVIII.

AN ACT *to empower the president, directors and company of the New-York state bank to reduce their capital stock.*

Passed April 5, 1817.

WHEREAS the president and directors of the New-York state bank have, under their common seal, represented, that the capital stock of the said bank is large and inconvenient, and have prayed that they may be authorised to reduce the same—Therefore,

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for the said president and directors, from time to time, as they shall find the same convenient, to reduce their said capital stock by returning to the stockholders such portion of the stock, by them respectively held in the said bank, as the interest thereof may, in their opinion, require: *Provided always, nevertheless*, that it shall not be lawful for the said president, directors and company to reduce their capital stock more than three hundred thousand dollars; and that the total amount of debts which the said corporation shall at any time owe, whether by bond, bill, note or other contract, over and above the

specie actually deposited in the bank, shall not exceed three times the capital stock actually in the said bank; and in case of such excess, the directors under whose administration it shall happen, shall be liable for the same in their separate and private capacities, but this shall not be construed to exempt the said corporation, or any estate, real or personal, which they may hold as a body corporate, from also being liable for and chargeable with such excess; but such of their directors who shall have been absent when the said excess was contracted, or who may have dissented from the resolution or act whereby the same was so contracted, shall not be so liable.

II. *And be it further enacted*, That as often as the said president and directors shall, by resolution, declare that any such reduction shall be made in their capital stock, they shall cause a notice thereof to be printed in at least two of the public newspapers, printed in the city of Albany, for the space of one month, in which notice they shall state the amount of such reduction and the period when the same shall be payable to the stockholders respectively.

CHAP. CXLIX.

AN ACT for the relief of Ralph Hascall and Ransom Noble.

Passed April 5, 1817.

WHEREAS John Munson, on the eleventh day of March, in the year of our Lord one thousand eight hundred and eleven, obtained from Simeon De Witt, Esquire, surveyor general, a certificate of the purchase of lot number three hundred and sixty-seven, in the Paradox tract, situate in the town of Moriah, in the county of Essex, and paid into the treasury of the state the sum of fourteen dollars and twenty cents, in part payment of the purchase money of the said lot: *And whereas* by virtue of a writ of fieri facias, issued out of the court of common pleas of the county of Essex, against the goods, chattles, lands and tenements of the said John Munson, the sheriff of the county of Essex levied upon, and on the third day of January, one thousand eight hundred and twelve, sold and conveyed the said lot to David A. Hascall: *And whereas* the said John Munson has never obtained any patent for the said lot of land, nor paid into the treasury any other part of the purchase money than is above stated: *And whereas* by several mesne conveyances the right and possession of the said John Munson to the said lot of land has been transferred to the said Ralph Hascall and Ransom Noble: *and whereas* the said Ralph Hascall and Ransom Noble have paid into the treasury the sum of twenty-three dollars, in part of the interest of the purchase money agreed to be paid by the said John Munson: Therefore,

BE it enacted by the people of the State of New-York, represented in senate and assembly, That the commissioners of the land office be and they are hereby authorised and required, to issue letters patent for the said lot of land to the said Ralph Hascall and Ransom Noble, as tenants in common, that is to say, two equal undivided third parts thereof to the said Ralph Hascall, and one equal undivided third part thereof to the said Ransom Noble, on the payment by

them into the treasury of the balance remaining due, of the principal and interest of the purchase money agreed to be paid by the said John Munson.

CHAP. CL.

AN ACT *to enable the trustees of the Hartwick seminary to sell and convey real estate.*

Passed April 5, 1817.

WHEREAS the trustees of the Hartwick seminary, situate in the town of Hartwick, in the county of Otsego, have, by their petition, represented, that they own and are in possession of certain lands and tenements, situate in the state of New-York, and that the interest of said institution might be promoted by a sale thereof, which they are not empowered to make—Therefore,

Be it enacted by the people of the state of New-York, represented in senate and assembly, That it shall and may be lawful for the trustees of the Hartwick seminary to sell, dispose of and convey, in fee simple, all lands and tenements which have or may come to their possession, except the lot of land situate in said town of Hartwick, on which the buildings of said seminary are erected, and to loan the amount of the consideration money, which they may from time to time receive therefor, on real security of at least double the value of the loans, exclusive of improvements thereon, or to vest the same in public stock, as they shall deem most advantageous to the said seminary: *Provided always,* that it shall not be lawful for the said trustees to expend the principal sum or sums which may arise from such sales.

CHAP. CLI.

AN ACT *for the relief of the trustees of the twelfth school district of the town of Whitestown, in the county of Oneida.*

Passed April 5, 1817.

WHEREAS it is represented to the legislature, by the commissioners of the common schools, in the town of Whitestown and county of Oneida, and the trustees of district number twelve in said town, that a common school was kept in said district, in the winter of eighteen hundred and sixteen, agreeable to the requisitions of the act for the better establishment of common schools; that a report was made out of the number of children in said district, and every other requisite of said act was complied with, excepting that by reason of the absence of said commissioners, and other accidents, the report was not delivered to the said commissioners until after the distribution of the monies received for the support of common schools for the year aforesaid; that the proportion of said school monies, to which said district number twelve was entitled, amounted to one hundred and sixty-two dollars and fifty cents, which sum said trustees had actually ex-

pended in keeping a common school in said district; and said trustees have prayed for relief in the premises—Therefore,

BE it enacted by the people of the State of New-York, represented in senate and assembly, That the commissioners of common-schools of the town of Whitestown aforesaid, be and they are hereby required to pay to Nathan Williams, Ebenezer B. Sherman and Erastus Clark, late trustees of school district number twelve, in said town of Whitestown, the sum of one hundred and sixty-two dollars and fifty cents, out of the school monies in their hands, or which may next come into their hands, and that a division of the residue of the said school monies be made among the school districts in said town, agreeable to the aforesaid act, after deducting the sum above mentioned.

CHAP. CLII.

AN ACT to amend the act, entitled "an act for the relief of the settlers on lands belonging to the Stockbridge Indians."

Passed April 5, 1817.

I. BE it enacted by the people of the state of New-York, represented in senate and assembly, That it shall be the duty of the attorney of the Stockbridge Indians, if he considers any person who now resides or shall hereafter come to reside on the lands of the said Indians, who is not entitled by law to settle on said lands, is likely to be injurious to the said Indians by corrupting their morals, or by injuring their lands or property, to notify such person in writing to remove from said lands; and in case such person shall neglect to remove for the space of ten days after receiving such notice, it shall and may be lawful for any one of the superintendants of the said Indians, on complaint of their attorney, to issue a summons commanding such person to appear before the superintendants of the said Stockbridge Indians, at such time and place as the superintendant, who shall issue such summons, shall appoint, to shew cause why he or she should not be removed from the lands of said Indians, which summons may be served by the sheriff or any constable of either of the counties of Oneida or Madison, by reading the same to the person to be summoned, and leaving a copy of said summons, if required, at least ten days before the time appointed in such summons, for his or her appearance before said superintendants, and said summons being returned duly served as aforesaid, it shall be the duty of the said superintendants, or a majority of them, to assemble for that purpose at the time and place mentioned in said summons, or at such other time and place to which said superintendants may adjourn the hearing of such complaint, not exceeding ten days thereafter, to examine into said complaint; and if the said superintendants, so assembled, shall find and adjudge such person so complained of, is at the time of such adjudication, resident on the lands of said Stockbridge Indians, and is likely to prove injurious to their morals or their property, and that he or she has no legal right to reside on said lands, it shall be the duty of the superintendants, so assembled, to order such person with his or her family to be removed from said lands; and they shall further order and adjudge that such person shall pay

Attorney
may remove
settlers.

Superintend
ants to issue
warrants.

Person complained of may be removed.

Goods may be sold.

Witnesses summoned.

Costs.

Superintendants of Brothertown Indians to be superintendants of Stockbridge Indians.

Third section of former act repealed.

such sum as the said superintendants shall adjudge necessary to defray the expense of such proceedings; and said superintendants shall issue their warrant, under their hands and seals, directed to the sheriff or any constable of the counties of Oneida or Madison, commanding the officer to whom such warrant is directed, to remove the person so complained of and his or her family, if any he or she hath, from the lands of said Indians, and to distrain and sell the goods and chattels of such person, sufficient to raise the sum adjudged for the costs of such proceedings; and it shall be the duty of the said officers, to whom such warrant shall be directed and delivered, to execute the same without delay, and to make return thereof, with the costs, to said superintendants.

II. *And be it further enacted*, That the said superintendants, or any one of them, may issue a subpoena, for witnesses to appear before them, on the trial of any complaint, triable by virtue of this act; and it shall be the duty of each and every person subpoenaed as a witness, to attend before said superintendants, and be sworn, and give evidence as to what he or they may know, respecting the complaint then on trial, before the said superintendants, which oath each and every of the superintendants are hereby authorised to administer; and it shall be the duty of each of the said superintendants, to issue the like subpoena in favor of the person complained of if required so to do.

III. *And be it further enacted*, That the following costs, and no other, shall be allowed for executing the duties required by this act; for a summons, twelve and an half cents; for every order, one dollar; for a warrant, twenty-five cents; for a subpoena, for each witness, six cents; serving subpoena, on each witness, twelve and an half cents; each witness attending, twelve and an half cents; swearing each witness, six cents; for serving a summons, the same fees as are allowed to constables for serving a summons, by the act for the recovery of debts to the value of twenty-five dollars, and for serving a warrant, such sum as said superintendants shall adjudge to be reasonable.

IV. *And be it further enacted*, That the superintendants of the Brothertown Indians, who now are and may hereafter be appointed, shall, during their continuance in office, be the superintendants of the Stockbridge Indians, for all the purposes mentioned in this act.

V. *And be it further enacted*, That the third section of the act, entitled "an act for the relief of settlers on the lands belonging to the Stockbridge Indians, passed 22d March, 1816, be and the same is hereby repealed.

CHAP. CLIII.

AN ACT to amend the act, entitled "an act to enable the trustees of the village of Newburgh to supply the inhabitants thereof with pure and wholesome water."

Passed April 5, 1817.

I. *BE it enacted by the people of the state of New-York, represented in senate and assembly*, That it shall be lawful for the said

trustees, or their successors, for the purpose of supplying said village with water, from time to time, and as occasion shall require, to take, divert and use any spring or springs, stream or streams of water, or so much thereof as the said trustees or their successors shall deem necessary, within the limits of the said village, or within two miles from the limits of the said village, upon paying to the owner or owners thereof, and to every person or persons, on or through whose land such spring or springs, stream or streams rise or flow, an equivalent for the use and diversion of such waters, and any damages sustained thereby, to be agreed upon; but if the said trustees cannot agree with such owner or owners, or such other person or persons as shall be damaged as aforesaid, upon such equivalent, or if such owner or owners shall be feme covert, under age, of unsound mind, or out of this state, then such damages shall be appraised and ascertained by William Thompson, Daniel C. Verplank, and Abraham H. Schenck, who, or a majority of them, are hereby authorized, constituted and appointed for that purpose, by virtue of this act, and whose duty it shall be duly to appraise and estimate the damages aforesaid, according to the true intent and meaning of this act, who shall certify their appraisement under their hands and seals, and make oath before one of the judges of the court of common pleas of the county of Orange, that the said appraisement is to the best of their belief, a just and impartial appraisement, which certificate shall thereupon be filed in the clerk's office of the said county, there to remain as a public record; and that upon payment or legal tender and refusal of said damages, by the said trustees, it shall be lawful for them, and from thenceforth the right to take, divert and use such waters shall be and is hereby vested in the said trustees and their successors: *Provided always*, that in case of a tender and refusal of the damages aforesaid, the money so tendered shall be deposited in the office of the treasurer of the trustees of said village, until the same shall be demanded by the person or persons entitled thereto: *Provided also*, that nothing contained in this act, shall be construed to impair, prejudice or defeat the rights of any suitor or suitors, in any action or actions, which may now be pending in any court, against the said trustees, for any of their former proceedings, by virtue of any act relating to the said village.

Trustees
may divert
springs or
streams

To pay for
damages.

Appraisal-
ment of da-
mages.

Proviso.

Tax to pay
damages.

II. *And be it further enacted*, That for the purpose of satisfying and discharging the said appraisement, the trustees of the said village shall cause a sum equal to the amount of such appraisement, in a distinct and separate tax, to be raised, levied and collected, by a tax on such of the freeholders and inhabitants of the said village to be benefited by the use of the said waters, or whose lands, houses and real property are so situated as to be benefited by the use of the said waters, and the said monies shall accordingly be rated and assessed by the assessors of the said village, on such of the freeholders, inhabitants and real estate in the said village, as may be benefited by the use of the said waters, and none other, in a just and equitable manner, in proportion to the advantages to be derived from the introduction of the said water into the said village; and the said monies shall be collected by the collectors of the said village, in like manner as the taxes of towns and counties are collected by virtue of a warrant to them directed by a majority of said trustees, and

How collect-
ed.

paid into the hands of the treasurer of said village, to be applied and disposed of from time to time, in such manner, for the purposes aforesaid, as the said trustees shall direct and appoint.

CHAP. CLIV.

AN ACT *for the relief of the commissioners appointed to superintend the navigation of Hudson's river, between the north bounds of the city of Albany, and Coeyman's Overslaugh.*

Passed April 5, 1817.

BE it enacted by the people of the State of New-York, represented in senate and assembly, That the comptroller shall draw his warrant on the treasurer, for the last years interest accrued on the sum loaned, pursuant to law, by the commissioners appointed by law to superintend the navigation of Hudson's river, between the north bounds of the city of Albany, and Coeymans' Overslaugh, in favor of the said commissioners, to pay the debts which they have contracted in the execution of their trust, and that the amount of such warrant be reimbursed, whenever the said interest on the said loan, shall be paid into the treasury.

CHAP. CLV.

AN ACT *to amend the act, entitled "an act to establish a turnpike corporation for improving the road from the springs in Lebanon, to the city of Albany, and a like corporation, for improving the road from the village of Bath to the Massachusetts line, and for repealing the act therein mentioned."*

Passed April 5, 1817.

BE it enacted by the people of the State of New-York, represented in senate and assembly, That if any person shall with his team, carriage or horse, turn out of the turnpike road from the village of Bath to Sand-Lake, in the county of Rensselaer, within one mile from any gate on said road, either on ground adjacent, or any other road or roads, and again come on the said turnpike road, after passing such gate, within one mile of such gate, with intent to avoid paying the toll, such person shall forfeit and pay the sum of five dollars, to be recovered by the treasurer of the eastern turnpike road company, for the use thereof, in an action of debt.

III. And be it further enacted, That it shall be lawful for the stockholders of the eastern turnpike road company, at their next annual election, to choose only seven directors for the management of their concerns, instead of thirteen, their present number.

CHAP. CLVI.

AN ACT for the relief of the heirs of John Tryon, deceased.

Passed April 5, 1817.

WHEREAS Eunice Tryon, administratrix, and Joseph Brown, Phineas Smith, Sophia T. Smith, Cornelia T. Brown and William A. Tryon, heirs of John Tryon, late of the town of Canaan, in the county of Columbia, Esquire, deceased, have by their petition presented to the Legislature represented, that Frederick Smith, Stephen Hall and Thomas Shephard, who were by two certain acts of the Legislature of this state, one passed March 27th, 1809, the other passed April 9th, 1811, authorised and empowered to sell and convey by deed, in fee simple, all the real estate whereof the said John Tryon died seized, other than that part of the real estate, lying in the county of Columbia, reside without this state, and that they are unable to perform the duties in the above mentioned acts prescribed, and praying that Jabez Foster, Hoel Lawrence and Egbert Ten Eyck, be authorised and empowered to perform the same acts, in relation to the sale of the said real estate: Therefore,

I. *Be it enacted by the people of the State of New-York, represented in senate and assembly,* That it shall and may be lawful for the said Jabez Foster, Hoel Lawrence and Egbert Ten Eyck, or a majority of them, or the survivors or survivor of them, to make, execute and deliver, good and sufficient deed or deeds for granting, bargaining, selling, releasing and conveying to the purchaser or purchasers, his her or their heirs and assigns forever, all the real estate whereof the said John Tryon died seized, other than that part of the real estate situate in the county of Columbia, except such part or parts of said real estate, as have been heretofore conveyed, or have been contracted so to be conveyed, by virtue of either of the acts aforesaid: *Provided*, before any conveyance shall be executed, for any part of the said real estate, the said Jabez Foster, Hoel Lawrence and Egbert Ten Eyck, or the survivor or survivors of them, shall make, render and give such security to the heirs of the said John Tryon as the chancellor of this state shall direct, for the faithful appropriation and payment of the proceeds of said estate.

II. *And be it further enacted*, That after the passing of this act, none of the persons, who by the said two above mentioned acts, were authorised and empowered to sell and convey any of the real estate of the said John Tryon, deceased, shall have any power or authority or right, to sell or contract to convey any part or parts of the said real estate, but all the powers, trusts and authorities given to them or any of them to sell or contract to convey any of the said real estate, is hereby revoked and made void: *Provided nevertheless*, that in cases where the said person or person, named and authorised in the said acts, have made any contracts in writing to sell and convey to any other person or persons any part or parts of the said real estate, and where no conveyance hath been made pursuant thereto, then such of the said persons, so named and authorised in the said acts, to make such sales, as may be within this state, or the majority of them, or the survivor or survivors of them, shall and may make and execute to

the purchaser or purchasers, a good and sufficient conveyance in the law for the lands and real estate so sold, pursuant to such contract, in as good and ample manner, and which shall be as valid, as if the same had been made and executed by all of them.

III. *And be it further enacted*, That the said administrators, and also the trustees or commissioners aforesaid, in relation to such and so much of the proceeds of the said real estate as has or may come into their hands respectively, shall pay and distribute two third parts thereof to the children of the said John Tryon, of full age, or the husbands of such of the females as are married, and to the guardian or guardians of such of the said children as are infants and unmarried, in equal proportions, according to the interest which they had in the said land; and that they shall pay to the widow of the said John Tryon, the annual interest of the remaining third of the said proceeds, during her natural life, and after her death, distribute the principal thereof among the said children or their representatives, in like manner as said two thirds are directed to be paid.

CHAP. CLVII.

AN ACT to incorporate the Westchester and Pelham turnpike road company.

Passed April 5, 1817.

Associates.

Route.

Powers.

I. *BE it enacted by the people of the state of New-York, represented in senate and assembly*, That Herman Le Roy, Thomas C. Taylor, William Edgar, and all such other persons as shall associate for the purpose of making a turnpike road, to begin at the causeway leading from the village of Westchester to Throganeck, at some point east of the bridge over Westchester creek, and to run from thence on the most convenient route to the bridge lately erected over the mouth of Eastchester creek, be and they are hereby created a body corporate and politic, in fact and in name, by the name of "the Westchester and Pelham turnpike road company," and by that name shall have continual succession, and be persons capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes, and by the same name and style shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of the said corporation: *Provided*, that such estate, as well real as personal, so to be purchased and held, shall be necessary to fulfil the end and intent of the said corporation.

Shares.

Commissioners to receive subscriptions

II. *And be it further enacted*, That the stock of the said company shall consist of one hundred shares, of thirty dollars each; and William Bayard, Thomas C. Taylor and Benjamin W. Rodgers, are hereby appointed commissioners to receive subscriptions for the said stock, in the manner directed in and by the act, entitled "an act relative to turnpike companies," passed the 13th day of March, 1807.

III. *And be it further enacted*, That it shall be lawful for the company hereby incorporated, to exact and receive at the gate or turnpike to be erected on the said road, the following rates of toll, to wit: for every score of sheep or hogs, six cents; for every score of cattle, horses or mules, twenty cents; for every chair, sulkey, chaise or other two wheel pleasure carriage, with one horse, six cents; for every horse rode, three cents; and for every horse led or driven, two cents; for every stage waggon, chariot, coach, coach-ee, phaeton or other pleasure carriage, drawn by two horses, twelve and an half cents, and six cents for every additional horse; for every cart or waggon, drawn by one horse, six cents; for every cart or waggon, other than stage waggons, drawn by two horses, mules or oxen, eight cents, and two cents for every additional horse, mule or ox; for every sleigh or sled, if drawn by not more than two horses, mules or oxen, six cents, and for every additional horse, mule or ox, one cent.

Tolls.

IV. *And be it further enacted*, That the company hereby incorporated shall have all the rights, privileges and immunities, which are given and granted in and by the aforesaid act relative to turnpike companies, and shall be subject to all the conditions, provisions and restrictions therein contained.

Rights.

CHAP. CLVIII.

AN ACT to improve the road from the town of Willsborough to Bosworth's tavern in the town of Chesterfield, in the county of Essex.

Passed April 5, 1817.

WHEREAS the road leading from the dwelling house of Isaac Jones, in the town of Willsborough, to the dwelling house of Alvah Bosworth, in the town of Chesterfield, in the county of Essex, runs over a tract of mountainous and broken land which does not, and in all probability never will, admit of any considerable population: and whereas the said road has become much impaired, and the inhabitants residing thereon are unable to repair or keep in repair the said road—Therefore,

Preamble.

I. *BE it enacted by the people of the state of New-York, represented in senate and assembly*, That it shall and may be lawful for Thomas Emmons, his heirs or assigns, to erect and keep up a gate across the said road, at any place he or they may select for that purpose, between the dwelling house of Norman Moor and the intersection of the road leading from Elizabethtown to Plattsburgh: *Provided nevertheless*, that the said Thomas Emmons, his heirs or assigns, before he or they shall be at liberty to erect such gate, shall procure from three of the judges of the court of common pleas of the county of Essex, a certificate signed by them, that the said Thomas Emmons, his heirs or assigns, have well and sufficiently repaired the road from the now dwelling house of Alvah Bosworth, in Chesterfield, to the brook near the now dwelling house of Samuel Coffee, in Willsborough, and shall file the said certificate in the office of the

T. Emmons may erect a gate.

Proviso.

clerk of said county: *And provided further*, that the said Thomas Emmons, his heirs or assigns, shall obtain permission from the owners of the land to erect such gate.

Who exempt
from toll.

Tolls.

Certificate
to be filed.

II. *And be it further enacted*, That it shall and may be lawful for the said Thomas Emmons, his heirs or assigns, as soon as he or they may have obtained and filed such certificate, and erected such gate, to demand, collect and receive, of and from all and every person and persons using the said road, (except such persons as may reside on said road between the dwelling house of Alvah Bosworth, in Chesterfield, and the bridge near the dwelling house of Isaac Jones, in Willsborough, who shall be permitted at all times to pass said gate without payment of toll at the said gates,) such tolls and duties as the court of common pleas of the county of Essex may annually determine upon and direct; and in case such certificate shall be obtained and such gate erected, in vacation of said court, then until the next subsequent term of the said court it shall and may be lawful for the said Thomas Emmons, his heirs or assigns, to demand, collect and receive at said gate, from all and every person using the said road, except as aforesaid, such tolls and duties as the said three judges of the court of common pleas, who shall certify for the sufficient repairs of said road, may certify are reasonable and just, which certificate shall also be filed in the office of the clerk of said county; and it shall and may be lawful for the said Thomas Emmons, his heirs or assigns, or any toll gatherer appointed by him or them, to stop and detain any person riding, leading or driving any horses, cattle, sheep or hogs, sulkey, chair, phaeton, chaise, waggon, sleigh, sled, or other carriage of burthen or pleasure, from passing through said gate until they shall have respectively paid the toll so to be allowed as aforesaid.

Penalty for
avoiding gate

III. *And be it further enacted*, That if any person or persons shall, with his team, carriage or horse, turn out of said road, near to the said gates, and again return on said road, having passed the said gate, to avoid the toll due by this act, such person or persons shall, for every such offence, forfeit and pay the sum of five dollars, to be recovered with costs by the said Thomas Emmons, his heirs or assigns, for his or their use, in an action of debt, before any justice of the peace of the counties of Essex or Clinton.

Judges may
order gate
opened.

IV. *And be it further enacted*, That whenever complaint in writing shall be made to any of the judges of the court of common pleas of the county of Essex, that the said road, or any part thereof, (setting forth particularly what part,) between the said dwelling house of Alvah Bosworth and the brook near the dwelling house of Samuel Coffee, is out of repair, it shall be the duty of such judge, to whom such complaint may be made, to repair to such part of the said road and to view the same, and if, in the opinion of such judge, the same shall be out of repair, then the said judge shall give notice in writing of such defect, to the person attending the said gate, and shall also, in his discretion, in the said notice, order the said gate to be thrown open, and the said gate shall immediately thereafter the service of such notice, be opened and remain open; and no toll shall be demanded for passing the same, until a certificate be received by the person attending said gate, under the hand of one of the judges of the court of common pleas aforesaid, that the said road is in sufficient

repair, and granting permission to shut said gate; and if the keeper of the said gate shall not, immediately after receiving a notice for that purpose as aforesaid, open the said gate and keep the same open until permission to shut the same is obtained as aforesaid, or if he shall hinder or delay any person or persons in passing the said gate, or shall take or demand toll from any person or persons passing the same, after the notice to throw open said gate has been given as aforesaid, and before such permission as aforesaid has been granted to shut the same, or shall at any time unnecessarily hinder or delay any person or persons from passing said gate, after payment or tender, by such person or persons, of the customary and established tolls, he shall, for every such offence, forfeit and pay to the party aggrieved the sum of ten dollars, to be recovered with costs, in an action of debt, before any justice of the peace of the said county of Essex.

Gate keeper
liable.

V. *And be it further enacted*, That each of the said judges shall, for all services performed under this act, be entitled to receive from the said Thomas Emmons, his heirs or assigns, two dollars for every day he shall be employed therein.

Judges' pay.

VI. *And be it further enacted*, That the said Thomas Emmons, his heirs or assigns, shall annually render an account, on oath, to the judges of the court of common pleas of the said county of Essex, at their next term after the month of August, in each year, of all the monies received and expended under and by virtue of this act: *Provided always*, that nothing in this act contained shall be construed to prevent the legislature from repealing or amending this act at any time hereafter, when it shall be deemed necessary.

To account
annually.

CHAP. CLIX.

AN ACT for the relief of Bernard Conolly.

Passed April 5, 1817.

WHEREAS it is represented to the legislature, that Michael Conolly, in his life time, purchased of the commissioners of forfeitures of the western district, lot number eight, in a patent granted to James Alexander, Rip Van Dam and others, situated in the county of Montgomery, deemed to have been forfeited to the people of this state, by the conviction and attainder of Magdalen Johnson: *And whereas* the said Michael Conolly died several years ago, intestate, leaving Bernard Conolly his heir at law: *and whereas* the conveyance by the said commissioners to the said Michael Conolly, of the said lot, cannot be found, and there is ground to believe the same is lost; by reason whereof the said Bernard Conolly is unable to make out his title at law, so as to controvert the boundaries of said lot with the claimants of adjoining lots: for remedy whereof,

BE it enacted by the People of the state of New-York, represented in senate and assembly, That all the right and title of the people of this state in and to the lot of land above described, be and the same is hereby vested in the said Bernard Conolly, his heirs and assigns, forever.

CHAP. CLX.

AN ACT *further to amend the act, entitled "an act concerning quit rents."*

Passed April 5, 1817.

Three owners of a tract may advertise a meeting.

May choose assessors.

Their duties.

Assessment roll.

Collector's duty.

I. BE it enacted by the people of the State of New-York, represented in senate and assembly, That when there are or may be several owners or proprietors of any tract of land, chargeable with quit rents, whether the same is or shall be situated in one town or in several towns or counties, it shall be lawful for any three or more of such owners or proprietors, whenever there shall be more than one year's quit rent due on such tract, to put up an advertisement at three public places, within each of the towns in which such patent may be situate, at least fourteen days prior to the time of meeting specified in such advertisement, notifying and requiring all the owners and proprietors of lands in such patent, chargeable with quit rents, to meet at a certain time and place therein to be specified, not less than twenty nor more than forty days from the time of setting up such advertisement, to raise and pay the arrears of quit rents then due for such tract; and such of the owners and proprietors of the said land, chargeable with quit rent, as shall then meet, may proceed to choose, by plurality of voices, two assessors and one collector for the purpose; and the assessors, so chosen, shall procure from the comptroller of this state, an account of the arrears of quit rent due for such patent, with an account of the charges of advertisement, if any, and an account of the quantity of land in such patent, if any, on which quit rent is remitted or discharged by commutation, and shall then proceed to make an assessment roll, containing the names of the owners or proprietors of the land in the said patent, chargeable with quit rent, where they can ascertain them, and the quantity of land to which they are respectively entitled, and the sum with which each of them and with which each parcel of land is chargeable, according to the quantity of land which every person, known or unknown, may be entitled to, in the said patent or tract, with an addition of six per cent. for charges, taking care to describe with reasonable certainty the lands assessed, and to designate each owner who may be known, and subscribe their names to the said assessment roll, and annex the account received from the comptroller to it, and within forty days from the time they were chosen deliver the same to the collector, so chosen as aforesaid, who shall collect from the several persons, named in such assessment roll, resident on the said land, the several sums they shall be respectively charged with, in the same manner as the collectors of public taxes are or shall be empowered to do by law; and shall, within one hundred and twenty days after he receives such assessment roll, pay the sums by him received or collected thereon, to the treasurer of this state, and deliver the said assessment roll to the comptroller, with a certificate thereon signed by such collector, if the whole sum mentioned thereon is not paid, setting forth which of the persons therein named are delinquents, and the lands, if any, of owners unknown, which remains unpaid, and the reasons why the charges remaining unpaid could not be levied; and such collector

shall also pay one sixth part of such part of said six per cent. as he shall collect to the assessors for their trouble, and retain the residue as a compensation for his services; and the comptroller shall sell the lands of the delinquents, whether residents or non-residents, or so much of each piece or parcel, so returned to him, as may be necessary to raise the amount due on each respectively, with the expense of advertising and of sale, first giving notice of the sale in the manner prescribed in and by the act, entitled "an act to amend the act, entitled "an act concerning quit rents," passed the 14th October, 1814: *Provided however*, that after any tract or patent shall be advertised for sale for the arrears of quit rent thereon, every such collection as aforesaid and payment into the treasury, shall be made prior to the sale of the land: *And provided also*, that after any patent or tract of land shall regularly be advertised for sale for the quit rents thereon, it shall be lawful for the comptroller, under and pursuant to such advertisement, to sell the particular lots or parcels of land in any such patent or tract that may be returned by the collector as aforesaid as having the quit rent remaining due thereon, for the sum due thereon according to the assessment, whether belonging to a resident or non-resident, without again advertising such lots or parcels of land for sale: *Provided always*, that the owner of any lands, which may be sold for quit rents by virtue of this act, shall have the same time allowed for redemption, and upon the same terms, as in cases of sale by the comptroller, pursuant to the general act concerning quit rents.

Their pay.

Comptroller to sell lands.

Provide.

Lands may be redeemed.

II. *And be it further enacted*, That in every case in which application shall be made to the comptroller, by the assessors to be appointed under the first section of this act, within eighteen months from the first day of May last, to ascertain the amount of quit rents due on any patent or tract, he shall certify not only the arrears of quit rent then actually due on such patent or tract, but in case that sixty per centum of such arrears, and the commutation for future quit rent on such patent or tract shall be less than such arrears alone, he shall certify what such sixty per cent. of arrears and commutation amounts to, and then, and in every such case, the amount to be collected, where collections can be made by the collector as aforesaid, shall be the said sixty per cent. of arrears and commutation, and not the amount of the said arrears; and the payment of such sixty per cent. into the treasury, if paid within two years from the said first day of May last, shall fully discharge the lands, upon which paid, from all quit rents as well future as past.

Comptroller to certify arrears.

May commute.

III. *And be it further enacted*, That the owners or proprietors of any tract of land, in which the lands sold in the month of November, in the year one thousand eight hundred and fifteen, were redeemed by this state, in pursuance of the act, entitled "an act directing the redemption of the lands lately sold for quit rents, and further to amend the act relative to quit rents," passed the 12th April, 1816, shall and may proceed in all respects to the collection and payment of the amount due on any such patent or tract, as well for the sum paid for the redemption by this state, as for the additional quit rent due thereon, or to the collection and payment of sixty per cent. of such redemption monies and additional quit rent, and of the commutation for future quit rents, as the case may be, as the owners or pro-

Lands redeemed by this state.

prietors of lands charged with quit rents alone are authorised to do, in and by the two first sections of this act.

What amo't
shall be paid
to purchaser.

IV. *And be it further enacted*, That in addition to the amount which may be collected and paid into the treasury, under and pursuant to the fifth section of the act, entitled "an act directing the redemption of the lands lately sold for quit rents, and further to amend the act relative to quit rents," passed April 12, 1816, upon any patent in which a sale shall hereafter be made for quit rents, there shall also be paid to the purchaser of the land sold at any such sale, the amount which may be certified by the collector to be due from delinquent owners in any such patent.

Section re-
pealed.

V. *And be it further enacted*, That the fifth section of the act, entitled "an act concerning quit rents," be and the same is hereby repealed.

CHAP. CLXI.

AN ACT relating to the bounds of the Hoffman Township, and the road patents, in the county of Essex.

Passed April 5, 1817.

BE it enacted by the people of the state of New-York, represented in senate and assembly, That the third section of the act, entitled "an act making provision for expenses in surveying certain lands therein mentioned, and for other purposes," passed April 2d, 1810," be and the same is hereby revived, and that the rights thereby intended to be given, be confirmed in such of the owners of any lots or sub-divisions of said township or patents as shall comply with the terms and conditions of said act, within one year from the passing of this act: *Provided nevertheless*, that the persons who shall obtain the benefit of this act, shall be liable to pay interest on the purchase money for the lands aforesaid, from the time interest would have accrued thereon, had they obtained the benefit of the provision hereby extended.

CHAP. CLXII.

AN ACT for the relief of James Wasson.

Passed April 5, 1817.

WHEREAS the commissioners of the land-office, by virtue of an act of the legislature, passed the ninth day of April, one thousand eight hundred and eleven, have issued letters patent to James Wasson, for two hundred acres of land, in a tract set apart for the use of the troops of the line of this state, serving in the army of the United States, in the revolutionary war, for and during the natural life of the said James Wasson, and at his death, to the children of the said James, as tenants in common: *And whereas* the said James, by his petition represents, that he is aged and infirm, and destitute of property, and unable to maintain himself and family, unless he is

permitted to sell or dispose of said land, and that they will be subject to great hardships and loss: Therefore,

BE it enacted by the People of the state of New-York, represented in senate and assembly, That Harmanus Peek and John G. Wasson, are hereby authorised and empowered, in conjunction with the said James Wasson, to sell the said land, and to grant and convey the same, in fee simple, to the purchaser, or purchasers thereof, and apply the proceeds thereof to the purchase of other lands, which are improved and productive; the conveyance shall be to the said James Wasson and his wife for life, and after their death, to their said children, as tenants in common, their heirs and assigns forever.

CHAP. CLXIII.

AN ACT *to annex a part of the town of Argyle to the town of Greenwich, in the county of Washington.*

Passed April 5, 1817.

BE it enacted by the people of the State of New-York, represented in senate and assembly, That all that part of the town of Argyle, in the county of Washington, comprehended within the following limits, to wit: Beginning at the northeast corner of the town of Greenwich, thence northwardly on the east line of the town of Argyle to the northeast corner of lot number seventy-one; from thence west on the north line of lot number seventy-one to the north west corner of said lot; from thence on the same course to the east side of the lake, in the town of Argyle, known by the name of the Longlake; from thence along the east side of the lake to the north line of Greenwich, shall be and is hereby annexed to the town of Greenwich.

CHAP. CLXIV.

AN ACT *relative to the trustees of Kingston, and to regulate sheriff's fees in Ulster county.*

Passed April 5, 1817.

WHEREAS the trustees of the freeholders and commonalty of the town of Kingston, in Ulster county, in their memorial, alledge that they have assigned their estate, by direction of an act, entitled "an act to divide the town of Kingston, in the county of Ulster:" Therefore,

I. BE it enacted by the people of the state of New-York, represented in senate and assembly, That all and every the mortgages on record in the office of the clerk of Ulster county, payable to the said trustees and not assigned by them, being by the said memorial declared to be satisfied, the same are hereby declared to be discharged: Provided, that this shall not release the said trustees or their predecessors, or any individual who has been a trustee, from any accountability for all or any monies or other corporate funds which may have been heretofore misapplied, perverted, or unjust-

fiably wasted, and for which they might otherwise be accountable or liable.

II. *And be it further enacted*, That the maps, records, minutes, papers and chart, now or heretofore belonging to the trustees, shall hereafter be permanently deposited in the said clerk's office, for the benefit and inspection, at all reasonable times, of the said inhabitants of Kingston, without fee or reward.

III. *And be it further enacted*, That the mileage fees allowed by law to the sheriff of the county of Ulster, for serving writs and process, shall be computed from the court house in said county.

CHAP. CLXV.

AN ACT to amend an act, entitled "*an act to incorporate the Montezuma turnpike and bridge company.*"

Passed April 5, 1817.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly*, That the commissioners to lay out the turnpike road, in pursuance of the act, entitled "*an act to incorporate the Montezuma turnpike road and bridge company.*" passed the thirty-first day of March, one thousand eight hundred and fifteen, shall, in laying out the said road, commence at the west end of the turnpike bridge in Throopsville, in the town of Mentz, in the county of Cayuga, instead of the dwelling house of Friend Barber, as provided in and by the said act of incorporation.

And whereas, at the first election for directors of said company, the choice by the stockholders of persons to hold the next election for directors was omitted through mistake, and other irregularities were committed in organizing said company, by misapprehension, for remedy whereof,

II. *Be it further enacted*, That the next election for directors of said company, shall be held on the first Monday of September next, and that the first Monday of September in each year thereafter, shall be the annual day of election for directors of said company, as provided in and by the act relative to turnpike companies, passed March the thirteenth, one thousand eight hundred and seven, and that it shall be lawful for the directors of said company, now acting, to make all necessary contracts relative to said road, and to do every act which directors may lawfully do in pursuance of the act incorporating the said company, and the said act relative to turnpike companies; and it shall be further lawful for the said directors, or a majority of them, on or before the first Monday of September next, to appoint three persons to preside at the next election for directors of said company, who shall be authorised to do every act which such persons might have done if they had been duly chosen by the stockholders of said company, pursuant to the said act relative to turnpike companies; and also that every person who is now a subscriber to the stock of said company, shall be liable to pay the amount of his subscription, according to the tenor thereof.

CHAP. CLXVI.

AN ACT to facilitate the intercourse between the western part of this state and the city of New-York.

Passed April 5, 1817.

WHEREAS the petition of sundry inhabitants of the counties of Ontario, Seneca, Tioga and Broome, to the legislature, represent that the legislature of the state of New-Jersey, in and by an act passed the 15th day of February, 1816, entitled "an act to facilitate the intercourse between the states of New-York, Pennsylvania and this state," did authorise certain commissioners therein named, to raise by lottery the sum of twenty thousand dollars, and to appropriate the same to the purpose of subscribing to the capital stock of the president, managers and company of the Milford and Owego turnpike company, as incorporated by an act of the legislature of the state of Pennsylvania, entitled "an act to authorise the governor to incorporate a company for making an artificial road by the nearest and best route through the counties of Wayne and Luzerne, beginning at the Delaware river, where a bridge is to be built near the town of Milford; thence through said town and counties last aforesaid to or near the forty-third mile stone in the south line of the state of New-York: and that the completion of said road through the state of Pennsylvania will greatly facilitate the intercourse between the western part of this state and the city of New-York, and open to the citizens a nearer and better market: Therefore,

BE it enacted by the people of the state of New-York, represented in senate and assembly, That it shall and may be lawful for any citizen or citizens of this state to purchase, sell and dispose of the tickets of the said lottery, any law of this state to the contrary notwithstanding.

CHAP. CLXVII.

AN ACT relative to the Minisink and Montgomery turnpike road company.

Passed April 5, 1817.

I. BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the president, directors and company of the Minisink and Montgomery turnpike road, may and they are hereby required to abandon that part of the Minisink and Montgomery turnpike road, beginning one chain south of the house of James Bodine, in the town of Montgomery, in the county of Orange; from thence northeasterly until the said road intersects the Newburgh and Cohecton turnpike in the village of Montgomery, in the town aforesaid.

II. And be it further enacted, That that part of the said turnpike road so abandoned, shall be deemed and is hereby declared a public highway, and hereafter to be considered one of the road districts in the town of Montgomery; and the commissioners of

highways in the town of Montgomery aforesaid, are hereby required and directed, from time to time, and at all times, to set off on said road district, such number of the inhabitants of the village of Montgomery, as together with the inhabitants residing on said road, that, on a fair assessment of labor, shall be sufficient to keep said road in good and ample repair, any law to the contrary notwithstanding.

CHAP. CLXVIII.

AN ACT to incorporate the Albany and Schoharie turnpike company.

Passed April 5, 1817.

Route.

Style.

Their powers

May hold real estate.

Amount of stock.

Commissioners to receive subscriptions

Gates.

I. *BE it enacted by the People of the state of New-York, represented in Senate and Assembly,* That Abraham Keyser, jun. Giles Kellog, Stephen Wells, John Jost Dietz, Jacob Gebhard and Peter P. Snyder, and all such other persons as shall associate for the purpose of making a good and sufficient turnpike road, to begin at or near the court house in the town of Schoharie, and extending from thence in the most direct and practicable route to or near Wiedman's mills, in the town of Bern; from thence in the most direct and practicable route, to or near the house of Alexander Stalker, in the town of Bethlehem, and from thence in the most direct and practicable route to the city of Albany, and their successors, be and they are hereby created a body corporate and politic, by the name of "the president, directors and company of the Albany and Schoharie turnpike," and they are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, and by that name they and their successors shall and may have continual succession, and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, complaints, matters and causes; and by the same name and style shall be in law capable of purchasing, holding and enjoying any estate, real and personal, for the use of the said corporation: *Provided*, that such estate, as well real as personal, so to be purchased and held, shall be necessary to fulfil the end and intent of the said incorporation, and for no other purpose whatsoever.

II. *And be it further enacted,* That the stock of said company shall consist of fifteen hundred shares, of twenty dollars each; and that Jacob Gebhard, Peter P. Snyder, John Jost Dietz and Giles Kellog, be and they are hereby appointed commissioners to receive subscriptions for the said stock, in the manner directed in and by the act, entitled "an act relative to turnpike companies," passed the thirteenth day of March, one thousand eight hundred and seven.

III. *And be it further enacted,* That as soon as the road hereby authorised shall be completed, and a license obtained in the manner specified in the act above referred to, it shall be lawful for the said president, directors and company, to cause three gates to be erected on the same road, and at such places as the person administering the government of this state, for the time being, shall deem necessary to collect the tolls allowable by this act.

IV. *And be it further enacted*, That it shall and may be lawful for the said president and directors to appoint toll-gatherers to collect and receive of and from all and every person and persons using the said road, at two of the said gates, the following tolls and duties: for every score of hogs or sheep, six cents; for every score of cattle, horses or mules, twenty cents; for every chair, sulkey or chaise with one horse, twelve cents; for every horse rode, four cents; for every led or driven horse, two cents; for every chariot, coach, coachee or phaeton, twenty-five cents; for every cart or waggon drawn by one horse, six cents; for every stage, waggon or other four wheeled carriage drawn by two horses, mules or oxen, twelve cents, and three cents for every additional horse mule or ox; for every sleigh or sled, six cents, if drawn by two horses, mules or oxen, and in like proportion, if drawn by a greater or less number of horses, mules or oxen: and at the other gate, to be erected nearest to the city of Albany, the one half of the rate of toll allowed to be received and collected at the other gates: *subject, nevertheless*, to the several provisos contained in the seventh section of the act relative to turnpike companies, above referred to: *And provided*, that no gate shall be placed within three miles of the city line of the city of Albany: *and provided further*, that the said turnpike road shall be so laid as not in any manner to obstruct any part of the road or public highway now in use, leading from the eastern boundary line of the town of Bern, running by the house of the aforesaid Alexander Stalkers, to the city of Albany; nor shall any toll-gate be erected on the said turnpike road, east of and between the line of the town of Bern and the city of Albany, so as to effect, in any manner, the free use of the said road or highway, for travelling free of toll.

V. *And be it further enacted*, That the said president, directors and company, hereby incorporated, shall have and enjoy all the rights, privileges, powers and immunities which are given and granted in and by the before recited act, relative to turnpike companies, and of the act, entitled "an act concerning turnpike roads," passed April 10th, 1813, and shall be subject to all the conditions, provisions, restrictions, penalties and regulations contained in the same.

CHAP. CLXIX,

AN ACT *authorising Christopher Eldridge and Noah Shaw, their heirs and assigns, to maintain a dam across the western branch of the Chenango river, in the town of Lisle, in the county of Broome.*

Passed April 5, 1817.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for Christopher Eldridge and Noah Shaw, their heirs and assigns, to maintain a dam across the western branch of the Chenango river, in the town of Lisle, in the county of Broome, about two miles above the Chenango forks, so called, at or near the place where a dam has

heretofore stood, not exceeding five feet in height above low water mark; *Provided however*, that there shall be left in said dam a place or sluice-way, at least forty-five feet in width, which shall be two and an half feet lower than the other parts of the dam; and an apron of an even ascent at least forty-five feet long, to admit the passage of arks and rafts; and the sides of the apron to be well secured, to prevent arks, rafts and boats from running off the sides thereof; and it shall and may be further lawful for them to keep the said sluice-way shut at all times except in the seasons of arking and rafting.

And whereas it is not intended that the above granted privileges shall intercept or impede the navigation of said river, in any way, and experience only can determine whether they will or not: Therefore,

II. *Be it further enacted*, That it shall and may be lawful for the legislature of this state, at any time hereafter, when in their opinion the public interest shall require it, either to amend or repeal this law.

CHAP. CLXX.

AN ACT for the preservation of trout in the Skaneateles lake,

Passed April 5, 1817.

Be it enacted by the people of the state of New-York, represented in senate and assembly, That it shall not be lawful for any person or persons to fish with nets, spears or seines in the Skaneateles lake, or the waters thereof, in the months of October, November and December; and every person who shall offend therein, shall forfeit and pay the sum of ten dollars for every such offence, to be recovered before any justice of the peace, in an action of debt, together with costs of suit, the one half of which forfeiture, when recovered, shall be for the use of the poor of the town where such offence shall be committed, and the other half for the use of the person who shall prosecute for the same.

CHAP. CLXXI.

AN ACT to suspend the execution of Diana Silleck, convicted of murder.

Passed April 5, 1817.

BE it enacted by the people of the state of New-York, represented in senate and assembly, That the execution of Diana Silleck, convicted at a court of oyer and terminer, held in and for the city and county of New-York, on the nineteenth day of December last, of the murder of Hetty Johnson, be suspended until the third Friday in April, which will be in the year of our Lord one thousand eight hundred and eighteen,

CHAP. CLXXII.

AN ACT *authorising Ira Pratt and Thomas Metcalfe to erect a dam across the Canisteo river, in the county of Steuben.*

Passed April 5, 1817.

Be it enacted by the people of the state of New-York, represented in senate and assembly, That it shall and may be lawful for Ira Pratt and Thomas Metcalfe, and they are hereby authorised, to erect a dam, not exceeding four feet in height, across the Canisteo river, in the county of Steuben, at or near the place where the mills of the said Ira Pratt and Thomas Metcalfe stand; and for the convenience of the same, Provided, that the said Ira Pratt and Thomas Metcalfe shall erect an apron or lock in said dam, of such construction as to render the passage safe and easy for rafts, arks and all other boats common in said river, at all times during the continuance of the said dam: And further, that all such boats, arks and rafts shall pass and repass free from toll or expense of any kind: And provided further, that if the passage aforesaid shall at any time be obstructed, this act shall be void.

CHAP. CLXXIII.

AN ACT *to amend the act, entitled "an act to amend the act, entitled "an act to incorporate the Schoharie-kill bridge company, passed the 30th day of March, 1802, and for extending the limits of the road therein mentioned," passed March 29, 1811.*

Passed April 5, 1817.

I. BE it enacted by the people of the State of New-York, represented in senate and assembly, That it shall and may be lawful for the president and directors of the Schoharie-kill bridge company, to alter that part of their road which runs on the north side of the Batavia-kill, where it joins the lands of William Stimpson and Nathaniel Stimpson, situate in the town of Windham, in the county of Greene, commencing east of the dwelling house of William Stimpson, running south of the said house, keeping on the north side of the road now worked and near the side hill, until it strikes the lands of Nathaniel Stimpson, and from thence across his lands so as to intersect the present road of the said company, east of his dwelling house: Provided however, that such alteration shall not be made unless twelve reputable freeholders of the said town, not interested in the said road, shall certify under oath that they have carefully examined the place where the alteration in the said road is contemplated to be made, and that such alteration is necessary for the accommodation of the public: And provided further, the said president and directors shall give at least six days notice, to the said William Stimpson, of the time when such freeholders will meet to make such examination as aforesaid.

May alter road.

Proviso.

Judges to lay
out road.

II. *And be it further enacted*, That it shall and may be lawful for the said president and directors to apply to three of the judges of the court of common pleas of the county of Greene, not interested in the said road, to lay out the same, who are hereby constituted commissioners for that purpose, whose duty it shall be to examine the lands through which said road is to be laid, and to lay out the same, of the width mentioned in the act hereby amended, and to make a map and survey of the said road, which they are hereby required to file in the clerk's office of the county of Greene; and the said commissioners are hereby authorised, and it is hereby made their duty, at the time of laying out the said road, to appraise the damages of the said William Stimpson and Nathaniel Stimpson, for the lands which shall be taken from them by establishing the said road, which appraisement shall be in writing, and filed by the said commissioners in the clerk's office aforesaid: *Provided however*, that before the said commissioners shall proceed to lay out the said road and to assess the damages aforesaid, it is hereby made the duty of the said president and directors to give notice in writing to the said William Stimpson and Nathaniel Stimpson, at least ten days prior to the time when the said commissioners will meet to lay out the said road and to assess the said damages: *And provided further*, that before the said president and directors enter upon the lands to be taken for the said road, they shall pay to the said William Stimpson and Nathaniel Stimpson, all such damages as shall be appraised to each of them by the said commissioners.

Survey.

III. *And be it further enacted*, That as soon as the said road herein mentioned is established and worked, that part thereof, now used by the said company, which is by this act altered, is to be abandoned by the said president and directors, and the land shall revert back to the owner thereof when the said road was first made.

Their pay.

IV. *And be it further enacted*, That the commissioners shall be entitled to receive the sum of two dollars per day, each, for every day which they shall be employed, besides their reasonable expenses, which shall be paid by the said president and directors.

CHAP. CLXXIV.

AN ACT to divide the town of Hartland, in the county of Niagara.

Passed April 5, 1817.

I. *BE it enacted by the people of the State of New-York, represented in senate and assembly*, That from and after the passing of this act, all that part of the town of Hartland denominated townships number thirteen and fourteen, shall be constituted a new town by the name of Royalton; and the first town meeting to be held at the house of Almond H. Millard, on the first Tuesday of April, in the year one thousand eight hundred and eighteen.

II. *And be it further enacted*, That the supervisors, town clerks, justices of the peace and overseers of the poor, of the towns of Hartland and Royalton, shall meet on the second Tuesday of May, in the year one thousand eight hundred and eighteen, at the house where

the town meeting in Hartland shall be holden, and make such arrangements relative to poor and all other things as justice may require.

CHAP. CLXXV.

AN ACT to divide the town of Eden, in the county of Niagara.

Passed April 5, 1817.

I. BE it enacted by the people of the State of New-York, represented in senate and assembly, That from and after the passing of this act, all that part of the town of Eden, in the county of Niagara, lying within the seventh range of said townships, with the exception of the west range of lots in said township, be and the same is hereby constituted a new town by the name of Boston; and that the first town meeting be holden at the house of Oliver Johnson: And further, that all the residue of said town be and the same is hereby constituted a new town by the name of Eden; and the first town meeting be held at the house of John Hill.

II. And be it further enacted, That the supervisors, justices and overseers of poor, within the said towns of Eden and Boston, shall meet on the second Tuesday of May next. (if the said towns in the mean time become organized) at the house of John March, in the town of Eden, and divide their poor and all monies belonging to the original town of Eden, and make such further arrangements relative thereto as justice may require: Provided however, that nothing herein contained shall prevent the said town, hereby erected, to do that at their annual meeting in one thousand eight hundred and eighteen, which they are by this act directed to do at the next annual meeting, if want of time shall prevent the organization of said towns.

CHAP. CLXXVI.

AN ACT to encourage the persons therein named to search for coal in the bed of Hudson's river, near the city of Troy.

Passed April 5, 1817.

BE it enacted by the people of the state of New-York, represented in senate and assembly, That Leonard Sweet, Daniel Redding and David Fuller, and the survivors or survivor of them, shall have the exclusive privilege, for eight years from the passing of this act, of digging for coal in the bed of Hudson's river, near McDonald's or Whale island, between Troy and Lausingsburgh, to the distance of eighty rods northerly of said island, and half a mile southerly thereof; and to vend any coal they may discover there, for the sole benefit of them the said Leonard Sweet, Daniel Redding and David Fuller, their executors, administrators or assigns: Provided nevertheless that the said persons, or any of them, shall not injure or obstruct the navigation of said river, nor cause the same to be injured or obstructed, nor injure the property of any individual or individu-

als, by such digging, under the penalty of forfeiting the said exclusive privilege, and of paying to the said people, or to such individual or individuals, all damages that may ensue to either by reason of such obstruction or injury : *And provided also*, that it shall be lawful for the commissioners for improving the navigation between Troy and Waterford, to prohibit the operations of the said Leonard Sweet, Daniel Redding and David Fuller, their executors, administrators or assigns, in digging for coal as aforesaid, whenever in the opinion of the said commissioners the navigation aforesaid shall thereby be injured or obstructed or in any way endangered; and thereupon this act, and the rights and privileges therein granted, shall be and are hereby declared to be suspended until the legislature shall otherwise order and direct : *And further*, the digging for coal as aforesaid shall in no wise interfere with or impede any future improvements in the aforesaid navigation.

CHAP. CLXXVII.

AN ACT to amend the act for the relief and settlement of the poor.

Passed April 5, 1817.

I. BE it enacted by the people of the state of New-York, represented in senate and assembly, That the monies authorized to be raised for the support of the poor; by the twenty-third section of the act hereby amended, be raised as well at a special as the annual town meeting.

Money to be raised.

II. And be it further enacted, That from and after the passing of this act, no person removing from or out of any other state, or from Upper or Lower Canada, to reside or inhabit in any city or town within this state, shall be deemed or adjudged to have gained a settlement in such city or town, unless such person shall have purchased a real estate in such city or town, of the value of two hundred and fifty dollars, and actually shall have paid for the same, or shall actually and bona fide have rented and occupied a tenement, of the yearly value of one hundred dollars or upwards for four years, and actually have paid such rent, or shall have executed some public office in such city or town during three whole years, or shall have been bound an apprentice or servant by indenture, or by deed, contract or writing not indented, and shall, in consequence of such binding, have served a term not less than seven years, any thing in the act hereby amended to the contrary notwithstanding.

Residence, how gained.

III. And be it further enacted, That if any such person, as herein before mentioned, shall come from any other state, or from Upper or Lower Canada, to reside in any city or town within this state, and if any two justices of such city or town, upon examination according to the provisions of the seventh section of the act hereby amended, shall find that such person is likely to become chargeable to such city or town, and hath not gained a legal settlement in any city or town in this state, it shall and may be lawful for such justices, at their

ties may remove poor.

discretion, to order that such person be removed directly to the place where such person was last legally settled without this state.

IV. *And be it further enacted*, That if any person or persons shall bring or remove, or cause to be brought or removed, any poor or indigent person into any city or town within this state, and there leave such poor or indigent person, not having a legal settlement therein, and without legal authority so to do, such person or persons shall forfeit the sum of twenty-five dollars, to be sued for and recovered in an action of debt, by and in the name of the overseers of the poor of the city or town where such indigent or poor person was left, with costs of suit, for the use of the poor thereof.

Persons liable for bringing poor into the state.

V. *And be it further enacted*, That the supervisors of the several counties of this state, shall audit all accounts for the support of such poor as are by law chargeable upon and to be provided for by the county, and it shall be the duty of the supervisors to allow such advances as to them shall appear just and necessary, and no more, notwithstanding the poor masters of the respective towns may have paid or disbursed any greater amount.

Supervisors to audit accounts.

CHAP. CLXXVIII.

AN ACT *authorising Ansyl Ford to erect a dam across the Susquehannah river.*

Passed April 5, 1817.

I. *BE it enacted by the people of the state of New-York, represented in senate and assembly*, That it shall and may be lawful for Ansyl Ford, his heirs and assigns, to build and maintain a rolling dam across the Susquehannah river, opposite the land of the said Ansyl Ford, in the town of Franklin, not exceeding three and an half feet in height from the bottom of the river.

II. *And be it further enacted*, That the said Ansyl Ford shall make and keep in good repair, a sufficient and convenient lock, through said dam, for boats, arks and rafts to pass up and down said river; the said lock to be made and completed at such time and in such manner as shall be ordered and directed by the court of common pleas of the county of Otsego; and when so completed, the said lock shall be free for all boats, rafts and arks to pass up and down the said river, through the same, without any charge or toll therefor, any law, usage or custom to the contrary notwithstanding: *Provided always*, that nothing in this act shall be so construed as to authorise the said Ansyl Ford, or his assigns, to obstruct the stream of the said river so as to cover any land with water, unless the consent of the owner or owners thereof be first had and obtained: *And further*, this act shall be and remain in force for the term of fifteen years and no longer.

CHAP. CLXXIX.

AN ACT for the limitation of writs of error, and for quieting judgments.

Passed April 5, 1817.

BE it enacted by the people of the State of New-York, represented in senate and assembly, That all writs of error upon judgment, in any court of common pleas or mayor's court, shall be brought within five years after rendering such judgments, and not after; and that no judgment, in either of the said courts, shall be set aside on motion for irregularity, after one year from the time of rendering the same.

CHAP. CLXXX.

AN ACT to prevent the destruction of fish in the town of Beekman.

Passed April 5, 1817.

I. BE it enacted by the people of the state of New-York, represented in senate and assembly, That it shall not be lawful for any person or persons at any time, or in any manner, before the first day of April, which will be in the year one thousand eight hundred and nineteen, to take any fish of any kind in the waters of a certain pond in the town of Beekman, in the county of Dutchess, commonly known by the name of the Great Pond.

II. And be it further enacted, That if any person or persons shall take any fish in the waters of the said pond, contrary to the provisions of the preceding section, he or they shall forfeit the sum of ten dollars for each and every offence, to be sued for and recovered by any person who will prosecute for the same, in an action of debt, in his own name, with costs of suit, in any court having cognizance of the same, the one moiety of which sum, when recovered, shall be paid by the person recovering the same to the overseers of the poor of the said town of Beekman, for the use of the poor thereof.

CHAP. CLXXXI.

AN ACT in amendment of an act, entitled an act to prevent firing the woods."

Passed April 5, 1817.

BE it enacted by the people of the State of New-York, represented in senate and assembly, That if any person or persons shall wilfully and maliciously set fire, or cause fire to be set, to woodland in any part of this state, he, she or they shall be deemed guilty of a misdemeanor, and being convicted thereof by due course of law, shall be punished by fine, not exceeding one hundred dollars, or by imprisonment not to exceed one year, or both, at the discretion of the court before which such conviction shall be had.

CHAP. CLXXXII.

AN ACT to enable the mayor, recorder and aldermen of the city of New-York to raise money by a tax.

Passed April 5, 1817.

I. BE it enacted by the people of the state of New-York, represented in senate and assembly, That the mayor, recorder and aldermen of the city of New-York, as the supervisors of the city and county of New-York, or a majority of them, of whom the mayor or recorder shall be one, shall be and hereby are empowered, as soon as conveniently may be after the passing of this act, to order and cause to be raised by tax on the estates, real and personal, of the freeholders and inhabitants of and situated within the said city, and to be collected, a sum not exceeding one hundred thousand dollars, to be applied to the support and maintenance of the poor of the said city and county, the support and maintenance of criminal persons, the support of common schools, the support and repairs of the bridge and penitentiary of the said city, the repairing and taking care of other public buildings of the said city belonging to and under the custody and care of the mayor, aldermen and commonalty of the city of New-York, the making, regulating, repairing and improving the public roads in said city and county, the defraying of other contingent expenses arising within and properly chargeable to the said city and county, and for the defraying the expenses which the mayor, aldermen and commonalty of the said city of New-York may sustain, or be put to, in executing the powers vested in them by the act passed the ninth day of April, one thousand eight hundred and thirteen, entitled "an act to reduce several laws relating particularly to the city of New-York into one act," and for supplying the deficiencies of former taxes upon any and every of the wards of the said city, owing to the insolvency or inability of the collectors of the said wards, or any or either of them, or others, and fees of collection, not heretofore provided for; such deficiencies, however, to be assessed on the estates, real and personal, of the freeholders and inhabitants of and situated within the said wards respectively, where they shall happen as aforesaid: *and also*, a further sum, not exceeding eighty thousand dollars, by a tax on the estates, real and personal, of the freeholders and inhabitants of and situate within the said city, to the southward of a line beginning at the North river, at a place called Decklyn's ferry, a little to the northward of the state prison, and running thence easterly in front of the new bank houses to the road called Sandy-hill road, and through the said road to the northward of Potter's field and the house of William Nielson to the Bowery road, and across the Bowery road to a road commonly called Stuyvesant-street, and through the middle thereof to the East river, to be applied to the payment of so many watchmen as the mayor, aldermen and commonalty of the city of New-York, in common council convened, shall appoint and employ for watching and guarding the said city, to the purchasing of oil, providing lamps and putting up the same, and repairing, cleansing and lighting those which now are

Power to raise money, & how applied.

A further sum.

or may hereafter be erected within that part of the said city last described, to the cleansing and repairing public wells and pumps in the said city, and to defraying the other contingent expenses arising within and properly chargeable to that part of the said city, to the southward of the line aforesaid, as the said mayor, aldermen and commonalty, in common council convened, may from time to time direct, and for supplying the deficiencies of former taxes upon the same part of the said city last described, owing to the insolvencies and fees of collectors not heretofore provided for; such deficiencies, however, to be assessed on the estates, real and personal, of the freeholders and inhabitants of and situated within the said wards respectively, where they shall happen as aforesaid, to the southward of the line aforesaid.

How assessed

II. *And be it further enacted*, That the said several sums of money shall be assessed in manner directed by the act, entitled "an act for the assessment and collection of taxes," and each person's tax in one ward shall be collected in one payment, and the monies so collected, paid into the hands of the treasurer or chamberlain of the said city, at such times after the passing of this act as the said mayor, recorder and aldermen, as the supervisors of the city and county of New-York, or a majority of them, of whom the mayor or recorder shall be one, shall appoint and direct.

Collectors' fees.

III. *And be it further enacted*, That it shall be lawful for the collectors of the first, second and third wards of the said city, to retain in their hands three cents on each dollar by them collected; the collectors of the fourth, fifth, sixth, seventh, eighth and tenth wards of the said city, to retain in their hands five cents on each dollar by them collected; and the collector of the ninth ward of the said city to retain in his hands six cents on each dollar by him collected, and no more, as a full compensation to each of the said collectors respectively, for their trouble in collecting and paying to the said treasurer or chamberlain the monies which shall be raised by virtue of this act.

Duty of assessors.

IV. *And be it further enacted*, That it shall hereafter be the duty of the assessors in the respective wards of the city and county of New-York, after they have completed their assessments respectively, to cause at least one hundred notices to be put up in their respective wards in conspicuous places, and also to be published in such newspapers as may be employed by the common council of the said city, setting forth that they have completed their assessments, and that a copy thereof is left with one of them, (naming him) where the same may be seen and examined by any of the inhabitants during ten days, and that at the expiration of ten days, they will meet on a certain day, at a place in the said notice to be specified, to review their said assessments on the application of any person conceiving himself aggrieved.

CAP. CLXXXIII.

AN ACT *granting to Gilead Sperry, and his associates, the exclusive right of running stages from Sandy-Hill through Plattsburgh to Canada line.*

Passed April 5, 1817.

I. *Be it enacted by the people of the State of New-York, represented in senate and assembly,* That William H. Price, Halsey Rogers, John Baird and Gilead Sperry, their respective executors, administrators and assigns, shall have, possess and enjoy, for the term of eight years from the passing of this act, the sole and exclusive right to contract with any person or persons, from time to time, to erect, run and drive, or cause to be erected, run and drove, during the term aforesaid, such and so many stage waggons and sleighs, from and to the village of Champlain, in the county of Clinton, and the village of Sandy-Hill, in the county of Washington, along the most usual route now established, or hereafter to be established, on the west side of lake Champlain, through the village of Plattsburgh, as they may judge sufficient for the purpose of accommodating such a number of passengers as may, from time to time, apply, so as to be connected with the route now run, or caused to be run, by Robert Hoyle, from the city of Montreal to Champlain; and that it shall not be lawful for any other person or persons, during the term aforesaid, to erect or establish a stage or stages on said route, under the penalty of five hundred dollars, to be recovered by the said William, Halsey, John and Gilead, their executors, administrators or assigns, to their own use, together with costs, in any court of record having cognizance of the same.

Associates,

Privileges;

II. *And be it further enacted,* That the said William, Halsey, John and Gilead, their executors, administrators and assigns, shall cause to be furnished and provided as many stage waggons, sleighs and horses, as shall be necessary on said route; and that the fare to be paid by each passenger, shall not exceed eight cents for every mile, with the liberty to such passenger of taking with him or her, in such carriage, fourteen pounds weight of baggage; and that for every one hundred and fifty pounds weight of baggage, over and above such fourteen pounds, the sum of eight cents for every mile, and so in proportion for every greater or less quantity; and that such stage waggons or sleighs shall proceed at least once in every week, on the aforesaid line, to commence each and every year, during the said term, immediately after the steam boats stop running on lake Champlain, in the fall or winter, in consequence of the coldness of the season, and to continue until they commence running again in the spring, not however to include the present spring: *Provided always,* that if the said William, Halsey, John and Gilead, their executors, administrators or assigns, shall neglect to perform the duties aforesaid, according to the true intent and meaning of this act, for the term of two weeks, this act shall cease, and the right and privilege hereby granted become null and void: *Provided always, further,* that in case the said William, Halsey, John and Gilead, their executors, administrators or assigns, shall neglect to cause to be run a stage or stages as afore-

To provide stages.

Fare.

Proviso,

said, on any part or the whole of said route, for the space of two weeks during that part of each season when the steam boats shall run on the lake as aforesaid, it shall and may be lawful for any person or persons to run any stage or stages on such part or the whole of said route as shall be neglected to be run as aforesaid, for that particular season while the said steam boats shall continue to run, and no longer, and shall not thereby be liable to the above penalty : *Provided further*, that nothing in this act contained shall be so construed as to prevent of the running of stages, by any person or persons, from any place south of lake George, to and from lake George : *Provided further*, that nothing herein contained shall be deemed or construed to prevent any future legislature, at any time within the period aforesaid, to repeal or in any manner modify and amend this act.

CHAP. CLXXXIV.

AN ACT to enlarge Herkimer county.

Passed April 7, 1817.

I. *BE it enacted by the people of the State of New-York, represented in senate and assembly*, That from and after the second day of May next, all that part of the county of Montgomery, including the towns of Salisbury and Manheim, and that part of the town of Minden, beginning on the southerly bank of the Mohawk river, opposite the mouth of east Canada creek, and running thence south to the north line of Otsego county, on a line parallel with the western boundary line of said town of Minden, shall be annexed to the county of Herkimer.

II. *And be it further enacted*, That all that part of the town of Minden, included within the limits aforesaid, be a separate town by the name of Danube; and the first town meeting therein shall be held at the dwelling house of Thomas and E. B. Hitchcock, in the said town, on the thirteenth day of May next, at ten o'clock in the forenoon; and as soon thereafter as conveniently may be, the overseers of the poor of the said town of Danube, and the said remaining town of Minden, shall divide the poor and poor monies of the said present town of Minden, according to the present tax lists; and all other town charges already incurred by the said present town of Minden, shall be audited and levied by the supervisors of the counties of Montgomery and Herkimer respectively, in proportion to the present assessment lists in said town; and after the said first town meeting in said town of Danube, the future town meetings therein shall be held on the first Tuesday in March in each year.

CHAP. CLXXXV.

AN ACT to incorporate the Bank of Washington and Warren.

Passed April 7, 1817,

WHEREAS, Zina Hitchcock, Micajah Pittit, Roswell Weston, Roger Skinner, William A Moore and John Doty and others, associated as a company, under the name and style of "the bank of Washington and Warren," by their petition, presented to the legislature, have prayed for the privilege of being incorporated as a company and body corporate: Therefore,

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That all such persons as shall be stockholders of the said bank, shall be, and hereby are ordained, constituted and declared to be, from time to time, and until the first day of January, which will be in the year of our Lord one thousand eight hundred and thirty-two, a body corporate and politic, in fact and in name, by the name of "the president, directors and company of the bank of Washington and Warren;" and by that name. they and their successors, until that day, may and shall have succession, and shall be in law persons capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors may have a common seal, and may change and alter the same at their pleasure; and also, that they and their successors, by the aforesaid name of incorporation, shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of the said corporation: *Provided*, that the real estate which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for its immediate accomodation in relation to the convenient transaction of its business, or such as shall have been *bona fide* mortgaged to it, by way of security, or conveyed to it in satisfaction of debts previously contracted, in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts: *And provided*, that the said bank shall be established in the village of Sandy-Hill, and that its operations of discount and deposit shall be carried on in the said village of Sandy-Hill, and not elsewhere: *And provided also*, that it shall not be lawful for the said bank to issue any notes or bills, until an affidavit by the president and cashier of said bank shall be made and filed in the clerk's office of the county of Washinton, stating, that the sum of twelve and a half per cent. upon each share of the capital stock of said bank has been actually paid into the said bank by the several stockholders, in specie: *And further*, that the said corporation shall not, directly or indirectly, deal or trade in buying or selling any goods, wares, merchandises, or commodities whatsoever, or in buying or selling any stock created under the United States, or any particular state, unless in selling the same when truly pledged by way of security for debts due to the said corporation.

II. *And be it further enacted*, That the capital stock of said

Preamble.

Declared a
body corpo-
rate.

Proviso.

Operations in
Sandy-Hill.Restricted in-
dealings.

Stock.

corporation shall be four hundred thousand dollars; and that a share in said stock shall be fifty dollars.

To be managed by 13 directors—how and when chosen.

III. *And be it further enacted*, That the stock, property affairs and concerns of the said corporation, shall be managed and conducted by thirteen directors, to be appointed and chosen in manner hereinafter mentioned, who shall be stockholders, and citizens of this state, and shall hold their offices for one year, and until others shall be chosen in their places; the election for directors shall be held on the first Monday of November in each year, at such time of the day and at such place within the village of Sandy-Hill as a majority of the directors shall appoint; and public notice shall be given, not less than thirty days previous to the time of holding said election; by an advertisement to be inserted in one of the public newspapers printed nearest the said village of Sandy-Hill; the said election shall be made by the stockholders in the said corporation, either in person or by proxy; and all elections for directors shall be by ballot; each stockholder shall be entitled to a number of votes equal to the whole number of shares which he or she shall have held in his or her name at least thirty days previous to the time of voting, that is to say, one vote for each and every share; and the thirteen persons who shall have the greatest number of votes as aforesaid, shall be directors; and if it should happen at any election, that two or more persons elected as aforesaid, shall have an equal number of votes, then the said commissioners, at the first election, and afterwards the directors in office at the time of such election, or major part of them, shall proceed to ballot, and by plurality of votes determine which of the said persons, so having an equal number of votes, shall be director or directors, so as to complete the whole number so to be elected; and the directors, as soon as may be thereafter, shall proceed, by ballot, to elect one of their number to be their president; and if any director living in the village of Sandy-Hill, shall remove out of the same, his office shall be considered as vacant; and all vacancies in the directors shall be filled for the remainder of the year in which they shall happen, by such person or persons as the remainder of the directors, or a majority of them, shall appoint.

Commissioners to open books.

Notice.

IV. *And be it further enacted*, That Micajah Pettit, Roswell Weston, John A. Ferris, Halsey Rogers, William A. Moore, John Bliss and Daniel Shepherd, shall be commissioners, whose duty it shall be, on or before the first Monday of June next, at some proper place in the village of Sandy-Hill, to open books to receive subscriptions to the capital stock of the said bank; and public notice shall be given by the said commissioners, of the time and place of opening such books, in all the newspapers printed in the counties of Washington and Warren, for at least four weeks; and it shall be the duty of the said commissioners to keep said books open for the space of one week, and to receive the subscriptions of all persons inclined to subscribe therein, being residents of this state; and the said commissioners shall demand and receive from any subscribers at the time of the subscription, the sum of one dollar on each share so subscribed in specie; and if the number of shares so subscribed, shall exceed eight thousand shares, the said commissioners shall apportion the same among the several subscribers in proportion to the amount of their several subscriptions; and the said commis-

sioners shall be inspectors of the first election of directors of said bank, and shall certify under their hands the names of those duly elected, and deliver over to them the subscription books, together with the deposit in money on the stock so subscribed; and the time and place of holding such first election shall be fixed by the said commissioners, and public notice for at least thirty days of the time and place of such election shall be given by the said commissioners as aforesaid; and the directors so chosen shall hold their offices until the first Monday of November next; and in case the said number of eight thousand shares should not be subscribed for in the books directed by this act to be opened by the commissioners as aforesaid, within the time aforesaid, then subscriptions shall be opened and kept open, under the directions of the said commissioners, at such times and places as they shall think proper, until the whole number of shares shall be subscribed.

V. *And be it further enacted*, That in case it should at any time happen, that an election of directors should not be made on the day prescribed by this act, the corporation for that cause shall not be deemed to be dissolved, but that it shall and may be lawful on any other day to hold and make an election of directors according to the by-laws and regulations of the said corporation.

VI. *And be it further enacted*, That the directors for the time being, or a majority of them, shall have full power to make and prescribe such by-laws, orders, rules and regulations as to them shall appear needful, touching the management and dispositions of the stock, property, estate and effects of the said corporation, and the time and manner of the discounts and deposits made in and by the same; the duties and conduct of the officers, clerks and servants employed therein, the election of directors, and all such matters as appertain to the business of a bank; and shall also have power to appoint as many officers, clerks and servants, for carrying on all and singular the said business, and with such salaries and allowances, as to them shall seem meet: *Provided*, that such by-laws, orders, rules and regulations be not repugnant to the constitution and laws of this or the United States. By-laws.

VII. *And be it further enacted*, That no transfer of stock shall be valid or effectual, until such transfer shall be registered in a book or books to be kept for that purpose by the directors, and unless the person making the same shall previously discharge all debts due by him or her to the said corporation, which exceed in amount the residuary stock of such person. Transfer of stock.

VIII. *And be it further enacted*, That the total amount of debts at any time and in any manner due by the said corporation, over and above the specie then actually deposited in the bank, shall not exceed three times the sum of the capital stock subscribed and actually paid into the said bank; and in case of any excess, the directors under whose administration the same may have happened, excepting those who dissented therefrom or were not present when the same did happen, shall in their individual and private capacities be liable for such excess, and the estate of the said corporation shall likewise be liable. Directors liable.

IX. *And be it further enacted*, That the bills obligatory and of credit under the seal of the said corporation, which shall be made to Bills obligatory, &c.

any person or persons, shall be assignable by endorsement thereof, under the hand or hands of such person or persons, his, her or their assignee, or assignees, and so as absolutely to transfer and vest the property thereof in each and every assignee or assignees respectively, and to enable such assignee or assignees to bring and maintain an action thereupon, in his, her or their own name or names; and bills or notes which may be issued by order of the said corporation, promising the payment of money to any person or persons, his, her or their order, or to bearer, though not under the seal of the said corporation, shall be binding and obligatory upon the same, in like manner, and with the like force and effect, as upon any private person or persons, if issued by him, her or them, in his, her or their private capacity or capacities, and shall be assignable or negotiable, in like manner as if they were so issued by such private person or persons.

Specie pay-
ments.

X. *And be it further enacted*, That if, at any time after the passing of this act, the said president, directors and company should refuse, on demand being made at their banking house, during the regular hours of doing business, to redeem in specie, or other lawful money of the United States, their said bills, notes, or other evidences of debt, issued by the said company, the said president, directors and company shall, on pain of forfeiture of their charter, wholly discontinue and close their said banking operations, either by way of discount or otherwise, until such time as the said president, directors and company shall resume the redemption of their bills, notes or other evidences of debt, in specie, or other lawful money of the United States: And the said bank shall be liable to pay for all notes or bills or evidences of debt, due from them, which shall have been so demanded, and which shall not have been paid in specie as aforesaid, damages at and after the rate of ten per centum per annum, until the same shall be so paid or otherwise satisfied: And in case the said president, directors and company shall at any time hereafter offend against either of the provisions of this act, it shall be the duty of the attorney-general of this state, by information or otherwise, to prosecute said company for such offence, and on conviction thereof their charter shall be deemed void; and in case the said corporation shall at any time be dissolved, the stockholders thereof shall be responsible for the debts of the said corporation, to the amount of the stock held by each at the time of such dissolution.

The Attor-
ney-general
shall prose-
cute for of-
fences.

Directors
may make
calls.

XI. *And be it further enacted*, That it shall be lawful for the directors for the time being, to call and demand of the stockholders respectively, all such sums of money by them subscribed, or to be subscribed, at such time and in such proportions as they shall see fit, under the pain of forfeiture of their shares, and all previous payments made thereon, to the said company; always however giving sixty days previous notice of such call and demand, in one or more of the newspapers published in the said counties.

Dividends.

XII. *And be it further enacted*, That it shall be the duty of the directors to make half-yearly dividends of so much of the surplus profits of the said bank, as they or a majority of them shall deem advisable; and that the said corporation shall not demand any greater interest on a loan or discount, for a time not exceeding sixty days, than at the rate of six per centum per annum.

XIII. *And be it further enacted*, That the present act of incorporation shall in no wise be forfeited by any non-user whatsoever, at any time before the first day of December, in the year one thousand eight hundred and eighteen; and it shall on that day be lawful for the stockholders above mentioned, to assemble for the purpose of carrying the same into effect, any want of notice in the manner above prescribed to the contrary in any wise notwithstanding.

XIV. *And be it further enacted*, That it shall be the duty of the president and cashier of said bank, for the time being, to make a return, under oath, to the comptroller of this state, annually, on the first day of January; which return shall contain a full and true account of the funds and property of the said bank, the amount of its capital stock subscribed and paid, the amount of debts due to and from the said bank, the amount of bills and notes emitted by the said bank in circulation, and the amount of specie in the said bank, at the time of making such return. And in case the said president and cashier shall refuse or neglect to make such return as aforesaid, within thirty days after the time specified as aforesaid, the legislature may at any time thereafter in their discretion dissolve the said incorporation.

Account of
funds, &c.

XV. *And be it further enacted*, That this act shall be deemed a public act, and shall be benignly and favorably construed, for all the purposes therein expressed and declared, in all courts and places whatsoever.

A public act.

CHAP. CLXXXVI.

AN ACT to incorporate the Cochection bridge company.

Passed April 7, 1817.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly*, That William Tyler, Benjamin Conklin, Moses Thomas, Oliver H. Calkin, Moses Calkin, Joseph Mitchell and William Brown, and all such other persons as shall associate for the purpose of erecting a substantial bridge across the Delaware river, at the end of the Newburgh and Cochection turnpike road, to meet the Cochection and Great-bend turnpike road on the west bank of said river, shall be and are hereby created and made a corporation and body politic, in fact and in name, by the name of the president, directors and company of "the Cochection bridge company," and that by that name they shall be capable in law to purchase, have, hold, enjoy and retain, to them and their respective successors, lands, tenements and hereditaments, goods chattels and effects of every kind whatsoever, and the same or any part thereof to sell, grant, demise, alien or dispose of; to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in courts of record, or any other place whatsoever; and may have a common seal, and alter and change the same at their pleasure: *Provided however*, that the amount of the real estate which the said corporation are hereby authorised to purchase and hold shall not exceed, at the time of purchasing the same, the sum of five thousand dollars: *And provided further*, that such estate, so

Associates.

Style.

Rights.

Seal.

May hold
real estate.

to be purchased and held, shall be necessary to fulfil the end and intent of the corporation hereby created and made, and to no other use, intent or purpose whatsoever.

Commissioners appointed. II. *And be it further enacted*, That William Brown, Benjamin Conklin and Oliver H. Calkin, John Conklin and Francis Crawford, be and hereby appointed commissioners to do and perform the several duties hereinafter mentioned; that is to say, they shall on or before the first day of October next procure five books, and in each of them enter as follows: We, whose names are hereunto subscribed, do, for ourselves and our legal representatives, promise to pay to the president, directors and company of the Cochection bridge company, the sum of fifty dollars for every share of stock in the said company, set opposite to our respective names, in such manner and proportion, and at such time and place, as shall be determined by the president and directors of said company: and one of the said books shall be left with each of the said commissioners, at their respective places of abode, who shall keep the same open for the purpose of receiving subscriptions; and every subscriber shall at the time of subscribing pay unto either of the said commissioners the sum of five dollars for each share so subscribed; and the said commissioners shall, as soon as three hundred shares have been subscribed, cause an advertisement to be inserted in one of the newspapers printed in the county of Orange, giving at least three weeks notice of the time and place the said subscribers shall meet, for the purpose of choosing five directors, who shall be stockholders, for the purpose of managing the concerns of said company for one year; and the day of choosing said directors shall be forever thereafter the anniversary day of choosing said directors; and any three of the said directors shall be a quorum, and capable of transacting the concerns of the said corporation; and every act of the majority of the directors so met shall be binding on the said corporation; and the said directors, elected by a plurality of the votes of the stockholders present, to be given upon the principles hereafter mentioned, shall immediately proceed to the choice of one of their number for president; and the said president and directors may meet from time to time, at such time and place as they may think expedient, and direct, and shall have power to make such by-laws, rules and regulations, not inconsistent with the constitution or laws of this state or of the United States, as shall be necessary for the well ordering of the affairs of the said corporation: *Provided*, that at the election of directors, the stockholders not present may vote by proxy for directors; and each stockholder shall be entitled to one vote for every share he shall hold not exceeding ten shares, and one additional vote for every five shares he shall hold above the number of ten shares: *Provided further*, that nothing in this act contained shall be construed to prevent the said stockholders to meet on any other day for the purpose of choosing directors, if by accident or any other cause they shall be prevented from meeting on the anniversary day of election.

Five dollars to be paid on each share.

Notice of choosing directors.

President.

By-laws.

Proviso.

Votes limited.

Proviso.

Directors to receive subscriptions. III. *And be it further enacted*, That the said president and directors may continue to receive subscriptions to the stock of the said corporation until there shall be six hundred shares, and that a share in the stock of said company shall be fifty dollars, and that the

number of shares shall not at any time exceed six hundred, and that the said shares shall be taken, deemed and considered to be personal estate, and shall and may be transferable.

IV. *And be it further enacted*, That the said president and directors shall have power to appoint such agents, clerks, workmen and others under them as shall be necessary for executing the business of the said corporation; and that in case of the death, inability or absence of the president, a quorum of the directors met may choose or appoint a president pro tempore, and shall and may proceed and transact the business of the said corporation, in the like manner as if the president were present.

May appoint officers.

V. *And be it further enacted*, That the said president and directors, their agents, artists or other persons employed by them, may enter on and take possession of the land on the east side of the said river where the said president and directors may determine to build said bridge; and in case such land so to be taken possession of shall not be part of the public highway, the said corporation shall, before taking possession of any such lands, pay the owner or owners thereof, on receiving a conveyance of the land, the value of so much of the same as may be necessary for making said bridge, and erecting and establishing a gate, toll-house and all other works to the said bridge belonging; and in case of disagreement between the parties as to such value, the same shall and may be ascertained by three indifferent freeholders of the county where such land shall lie, who shall be appointed for that purpose, and sworn to make a just valuation by the judges of the court of common pleas not interested, or a majority of them, held for the same county, on application from the said president and directors to them for such appointment; and it shall be the duty of the said president and directors to make such application within six weeks after possession taken of said land and disagreement as to value thereof: *Provided always*, if the said bridge shall be carried away by the ice, or be otherwise destroyed, or become impassable for carriages, and not be rebuilt within three years after such bridge be so carried away by the ice, or otherwise destroyed, or be not rendered passable for carriages within sixty days after becoming impassable as aforesaid, that in either of the said cases the said president, directors and company, or the stockholders of the said company if this corporation shall become dissolved, shall reconvey to the said owners respectively, and their respective heirs and assigns, if thereunto required, such parts of the land now belonging to the said owners, as shall be appropriated or obtained by the said president, directors and company, by appraisement or otherwise, for the use of the said company, at and for such sum and sums of money as the said owners shall receive for the same; and if the said president, directors and company, or the stockholders thereof, if the corporation shall become dissolved, shall, within twenty days after such request made, refuse or neglect to execute such conveyance, such lands shall become vested in the said owners respectively making such request, in the same manner as the said owners held the same before it was obtained or appropriated as aforesaid.

Their power to take land.

Penalty for not repairing bridge.

VI. *And be it further enacted*, That it shall not be lawful for any person or persons to erect any ferry across the said river within one

No ferry.

mile up or down the said river from the place where the said bridge shall be erected and built by the said company.

Pen lty or
avoiding t.ill.

VII. *And be it further enacted*, That it shall not be lawful for any person or persons to open a communication to the said river, on the east side of the same, within one mile up or down the said river from the place where the said bridge shall be built, for the purpose of evading the payment of the toll of the said bridge, and that if any person or persons shall wilfully pass said river within the said distance, without paying the toll of the said bridge, such person or persons shall forfeit and pay a fine of one dollar, to be recovered by the treasurer of the said corporation, to their use, in an action of trespass: *Provided always*, that such fine shall not extend to persons living on or within one mile of the banks of said river, who shall pass the same in their own boat or otherwise.

Proviso.

Calls.

VIII. *And be it further enacted*, That it shall and may be lawful for the said president and directors to call on and demand from the stockholders respectively, all such sums of money by them subscribed or to be subscribed, at such times and in such proportions as they shall see fit, under pain of forfeiture of their shares and of all previous payments thereon, to the said president, directors and company.

Manner of
building the
bridge.

IX. *And be it further enacted*, That the said bridge shall be built at least twenty-five feet wide, and be well covered with plank not less than three inches thick, the sides of the said bridge to be secured with good substantial railings, and shall be so constructed that at least one opening under the same of not less than one hundred feet between the piers or abutments shall be left for the passage of rafts or boats.

X. *And be it further enacted*, That in case the aforesaid bridge shall not be erected, built and completed on or before the first day of January, in the year one thousand eight hundred and twenty-one, then the corporation created by this act shall be adjudged and considered as dissolved.

Tolls.

XI. *And be it further enacted*, That as soon as the said bridge shall be finished and completed, and the judges of the court of common pleas in and for the county of Sullivan, or any three of them, shall upon inspection certify under their hands that the said bridge is well and sufficiently constructed and built, and will admit of the passage of teams with loaded carriages, it shall and may be lawful for the said president and directors to erect a gate at or near the east end of the said bridge, and demand, receive and take, for the use of the said corporation, a toll not exceeding the following rate, to wit: for every four wheel pleasure carriage drawn by four horses, one dollar, if drawn by two horses seventy-five cents; every stage waggon drawn by four horses, fifty cents, and if by two horses, twenty-five cents; every curricie, chaise, chair or sulkey drawn by one horse, thirty-seven and an half cents, if drawn by two horses, fifty cents; every waggon and two horses, mules or oxen, thirty-seven and an half cents, and six cents for every additional horse, mule or ox; every sled or sleigh, drawn by two horses, mules or oxen, twenty-five cents, and six cents for every additional horse, mule or ox; each ox-waggon or cart drawn by two oxen, thirty-seven and an half cents, and each additional yoke of oxen, twelve and an half

cents; every one horse cart, seventeen cents, and every one horse waggon, sled or sleigh, seventeen cents; every man and horse, twelve and an half cents; every foot passenger, three cents; every horse, jack or mule, six cents; every cow or other neat cattle, three cents; every score of sheep or hogs, twenty cents, and so in proportion for a greater or less number: and it shall be lawful for the toll-gatherers at said gate to stop every foot passenger, and every person driving, riding or leading any beast or carriage, from going through said gate, until they shall have respectively paid the toll herein allowed to be collected: *Provided nevertheless*, that any troops in the service of this state or of the United States, and all artillery, all waggons and other carriages and stores of every kind, belonging to this state or to the United States, shall pass said bridge without paying toll.

XII. *And be it further enacted*, That it shall be the duty of the said corporation to cause to be affixed in a conspicuous place over the gate a printed list of the rates of toll, and in default thereof to be subject to the penalty of five dollars for every forty-eight hours, to be sued for and recovered by any person who shall prosecute for the same in his own name.

Shall put up a list of toll.

XIII. *And be it further enacted*, That from and after the term of sixty years, the said bridge with its appurtenances shall become the property of and be vested in the people of this state.

Duration.

XIV. *And be it further enacted*, That if any person or persons shall wilfully do or cause to be done any act whatsoever whereby the said bridge or any thing appertaining to the same shall be impaired, weakened or injured, the person or persons so offending shall forfeit and pay to the said company, treble the amount of the damages sustained by means of such offence or injury, to be recovered by the said company, with costs of suit, in an action of trespass, in the name of the treasurer of said corporation, to their use, in any court of record having cognizance thereof, which action shall in every instance be considered as transitory in its nature.

Penalty for injuring the bridge.

XV. *And be it further enacted*, That if any person or persons shall forcibly pass the said gate to be erected at the said bridge in pursuance of this act, or shall cause his or her horse, carriage or waggon, sled or cattle or other thing or things to pass the same without having paid the legal toll for passing said bridge, such person or persons shall forfeit and pay a fine not exceeding ten dollars nor less than one dollar, to be recovered by the treasurer of the said company, to their use, in an action of trespass, which action shall in every instance be considered as transitory in its nature.

Fine for passing gate by force.

XVI. *And be it further enacted*, That if any toll-gatherer shall unreasonably delay or hinder any traveller or passenger at the said gate, or shall demand and receive more toll than is by this act established, he shall for every such offence forfeit and pay the sum of ten dollars, to be sued for and recovered before any justice of the peace in the county where such offence shall be committed, for the sole use of the person so unreasonably delayed, hindered or defrauded.

Toll-gatherers liable.

XVII. *And be it further enacted*, That if the said bridge, after the same shall have been completed, shall at any time be impassable for the term of sixty days, that then the said corporation shall cease, and the same is hereby declared in such case to be dissolved: *Pro-*

Corporation may be dissolved.

vided nevertheless, that no such dissolution of the said corporation shall take place if the said bridge shall be carried away by ice, freshets, rafts or any unavoidable accident, in case the same shall be rebuilt within three years after the same shall be so carried away.

A public act.

XVIII. *And be it further enacted, That this act be and is hereby declared to be a public act, and shall be construed benignly and favorably for every beneficial purpose herein intended.*

Right of the ferry company.

XIX. *And be it further enacted, That nothing herein contained shall be so construed as to interfere with the right of the ferry at the place where the said contemplated bridge is to be built, unless the said ferry company shall relinquish their right of ferry to the said bridge company.*

CHAP. CLXXXVII.

AN ACT to incorporate the western insurance company of the village of Buffalo.

Passed April 7, 1817.

Preamble.

WHEREAS Ebenezer Waldon and others have associated themselves together, and by their petition, presented to the legislature, have prayed for the privilege of being incorporated as a company and body corporate—Therefore,

Incorporated

Style:

Privileges.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly, That all such persons as shall be stockholders of said company, shall be, and are hereby constituted and declared to be, from time to time, and until the second Tuesday of May, one thousand eight hundred and thirty, a body corporate and politic, in fact and in name, by the name of "the western insurance company of the village of Buffalo;" and that by the same they and their successors, until the second Tuesday of May, one thousand eight hundred and thirty, shall and may have continual succession, and shall be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors may have a common seal, and may change and alter the same at their pleasure; and by the said name be capable of purchasing, holding and conveying any estate, real or personal, for the use of the said corporation, subject to the restrictions herein after mentioned.*

Stock and shares.

II. *And be it further enacted, That the capital stock of the said corporation shall not exceed four hundred thousand dollars, and that a share in said stock shall be fifty dollars; and if the said number of shares are not filled up as hereafter directed, subscriptions may be kept open, under the inspection of the president and directors of the said company, until the same shall be filled; and the whole amount of the stock, estate and property, which the said corporation shall be authorized to hold, shall never exceed four hundred thousand dollars.*

III. *And be it further enacted, That the stock, property, affairs and concerns of the said corporation shall be managed and conduct-*

ed by thirteen directors, one of whom shall be the president thereof, who shall hold their offices for one year and until others shall be chosen, and no longer; which directors shall be stockholders, and citizens of this state, and shall be elected on the second Tuesday in May in each and every year, at such time of the day, and in such place in the village of Buffalo, as a majority of the directors for the time being shall appoint; of which election public notice shall be given in at least two of the newspapers printed in the village of Buffalo, and continued for the space of ten days immediately preceding such election; and such election shall be holden, under the inspection of three stockholders, not being directors, to be appointed previous to every election by the directors, and shall be made by ballot, by a plurality of votes of the stockholders present, allowing one vote for every share; and the stockholder not present at such election may vote by proxy, provided the proxy be derived directly from such stockholder, and the votes be given by citizens of the United States, inhabiting this state.

Directors.

Elections.

IV. *And be it further enacted*, That Jonas Harrison, John G. Camp and Reuben B. Heacock, shall be commissioners, whose duty it shall be, on the first Tuesday of April next, at some proper place in the village of Buffalo, to open books to receive subscriptions to the capital stock of the said corporation; and public notice shall be given, by the said commissioners, of the time and place of opening such books, in two of the newspapers printed in the village of Buffalo, for at least two weeks; and it shall be the duty of said commissioners to keep said books open for the space of two days, from ten to three o'clock on each day, and to receive the subscription of all persons inclined to subscribe therein, being citizens of the United States; and if the number of shares so subscribed shall exceed the amount of capital authorised by this act, then and in that case the said commissioners shall apportion the sum among the several subscribers, in proportion to the amount of their several subscriptions; and the said commissioners shall be inspectors of the first election of directors of said insurance company, and shall certify under their hands the names of those duly elected, and deliver over to them the subscription book, and the time and place of holding said first election shall be fixed by the said commissioners, and public notice for at least two weeks, of the time and place of holding said first election, shall be given by the said commissioners as aforesaid, in two of the newspapers printed in the village of Buffalo, and the directors so chosen shall hold their offices until the second Tuesday in May next.

Commissioners to receive subscriptions

V. *And be it further enacted*, That in case it should at any time happen that an election of directors should not be made on any day when, pursuant to this act, it ought to have been made, the said corporation shall not, for that cause, be deemed to be dissolved, but it shall and may be lawful on any other day to hold and make an election of directors in such manner as shall have been regulated by the laws and ordinances of the said corporation.

May hold election on any other day.

VI. *And be it further enacted*, That that the said stock of the said company shall be assigned and transferable, according to such rules as the president and directors shall make and establish; and no stockholder, indebted to the company, shall be permitted to

Stock, when transferable.

make a transfer or receive a dividend until such debt be paid, or secured to be paid, to the satisfaction of the president and directors.

By laws.

VII. *And be it further enacted*, That the president and directors shall have power to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said corporation, and transfer of shares; and touching the duties and conduct of the secretary, officers, clerk and servants employed; and touching the election of directors, and all such matters as appertain to the business of insurance; and shall also have power to appoint an assistant or assistants, and a secretary, and so many clerks and servants for carrying on the business, and with such salaries and allowances, as to them shall seem meet: *Provided always*, that such by laws, rules and regulations, shall not be repugnant to the constitution and laws of this state or of the United States.

Insurance.

VIII. *And be it further enacted*, That the president and directors shall have full power and authority, in the name and on behalf of the company, to make all kinds of insurance against fire, all kinds of insurance upon the inland transportation of goods, wares and merchandize, on the lakes and waters of the west; and generally do and perform all matters and things relating to the said objects; and all policies shall be subscribed by the president, or in his absence by an assistant, if any be appointed, or by a president *pro tempore*, and countersigned by the secretary, and shall be binding and obligatory upon the said corporation, in the like manner and with the like force and effect as if under the seal of the said corporation.

Dividends.

IX. *And be it further enacted*, That it shall be the duty of the president and directors, on the second Tuesdays of May and November in every year, to make a dividend of so much of the profits of the said corporation as to them, or a majority of them, shall appear advisable; and in case of any loss or losses, whereby the capital stock of the corporation shall be lessened, no subsequent dividend shall be made, until a sum equal to such diminution, and arising from the profits of the corporation, shall have been added to the capital.

Lands, how to be held.

X. *And be it further enacted*, That the land, tenements and hereditaments, which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for its immediate accommodation in relation to the convenient transaction of its business, or such as shall have been or may be bona fide mortgaged to the said company, by way of security, or which may be conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which it shall have obtained for such debts, and with regard to all such lands, tenements and hereditaments, so to be held by the said corporation as aforesaid, (except such as may be for its immediate accommodation as aforesaid, or such as it may hold by way of mortgage, and whereof the actual possession shall be in the mortgagors, their heirs or assigns) the said corporation shall be bound to sell and dispose of the same respectively, within five years after it acquires the same, and shall not be capable of holding the same after the expiration of the said five years; but the same shall immediately, at the expiration of the said five years, be forfeited to and vested in the people of this state.

XI. *And be it further enacted*, That the said corporation shall not, directly or indirectly, deal or trade in buying or selling any goods, wares, merchandize or commodities whatsoever, or in buying any stock created by any act of the congress of the United States, or of any particular state, unless in buying the same in order to invest its capital stock, or any part or parts thereof, by way of securing the said capital stock, or in selling the same for the payment of its debts, or to reinvest in other stock, or when truly pledged to it by way of security for debts due to the said corporation; nor shall the said corporation engage in or carry on any banking operation whatever: *And further*, it shall not be lawful for the said corporation to issue or emit any notes or bills, or make any contracts for the payment of money only, except the same be under the seal of the said corporation; and all such notes, bills and contracts shall be construed and taken to be specialties, and shall not possess any other or greater power of being assigned or transesred than specialties at common law.

Not to trade
in goods, &c.

Nor carry on
banking.

XII. *And be it further enacted*, That the president may sign any policy or contract, and cause the secretary to attest and sign the same, in such manner as to be valid against and to bind the said corporation, without the presence of a board of directors: *Provided*, the same is done under and in conformity to a by-law of the directors, which may be made and ordained for that purpose

Policy, when
valid.

XIII. *And be it further enacted*, That this act shall be and is hereby declared to be a public act, and the same be, for the time therein before limited, construed, in all courts and places, benignly and favorably for every beneficial purpose herein intended.

A public act

XIV. *And be it further enacted*, That in respect to all debts which shall be contracted by the said corporation, before the said second Tuesday of May, one thousand eight hundred and thirty, the persons composing the said corporation, at the time of its dissolution, shall be responsible, in their individual and private capacity, to the extent of their respective shares, and no further, in any suit or action to be brought or prosecuted after the dissolution of said corporation.

Stockholders
when liable.

CHAP. CLXXXVIII.

AN ACT to incorporate the South Oyster-Bay turnpike company.

Passed April 7, 1817.

I. *BE it enacted by the people of the state of New-York, represented in senate and assembly*, That Henry F. Jones, Stephen Carman, George Hewlett, Thomas Whitson, David R. Floyd Jones, Samuel Strong, Thomas Ketchum and John T. Champlin, and all such other persons as shall associate for the purpose of making a good and sufficient turnpike road, to begin at Hempstead, in the county of Queens, in front of the Episcopal church, and running on or near the main south post road to the house of Ichabod Beddells, near the village of Babylon, in the county of Suffolk, pursuing the best and most convenient route so as to promote the interest of the

Route.

public; and this corporation and their successors be and they are hereby created a body corporate and politic, by the name of the president, directors and company of the South Oyster-Bay turnpike company, and they are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name; and by that name they and their successors shall and may have continued succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions and complaints, matters and causes; and by the same name and style shall be in law capable of purchasing, holding and conveying any estate, real and personal, for the use of the said corporation: *Provided*, that such estate, as well real as personal, so to be purchased and held, shall be necessary to fulfil the end and intent of the said corporation, and to no other purpose whatsoever.

II. *And be it further enacted*, That the stock of the said company, hereby incorporated, shall consist of twelve hundred shares of twenty-five dollars each; and that Stephen Carman, George Hewlett, Thomas Whitson, David R. Floyd Jones, Samuel Strong, Thomas Ketchum and John T. Champlin, shall be and are hereby appointed commissioners to receive subscriptions for the said stock, in the manner directed in and by the act, entitled "an act relative to turnpike companies," passed March 13th, 1807.

III. *And be it further enacted*, That the before mentioned Stephen Carman, George Hewlett, Thomas Whitson, David R. Floyd Jones, Samuel Strong, Thomas Ketchum and John T. Champlin, shall be and are hereby appointed commissioners to lay out the road directed in and by this act, subject to the directions, regulations and restrictions in all respects as are prescribed and contained in and by the aforesaid act, entitled "an act relative to turnpike companies:" *And further*, that in case of the death or resignation of any of the above named commissioners, that a majority of those remaining shall be and are hereby empowered to elect, constitute and appoint another person in his place and stead, and to execute and perform all the duties, matters and things therein mentioned, as fully as if the above named commissioners had been appointed in the manner directed in and by the act herein before referred to.

IV. *And be it further enacted*, That the company hereby incorporated shall be entitled to exact and receive, at each of the two gates to be erected on the said road, from every person using the same, for any number of miles not exceeding ten in length of the said road, the following sum of money, and so in proportion for a greater or less distance, that is to say: for every score of sheep or hogs, eight cents; for every score of cattle, horses or mules, ten cents, and so in proportion for a greater or less number; for every horse or mule and rider, or led horse or mule, five cents; for every chair, chaise, gig or sulkey, drawn by one horse, ten cents, and for every additional horse, five cents; and for every coach, coachee, chariot, phaeton or curricule, drawn by two horses, twenty-five cents; for every, cart, stage, waggon or other four wheeled carriage, not before mentioned, drawn by two horses, mules or oxen, ten cents, and for every additional horse, mule or ox, four cents; for every sleigh or sled, drawn

by two horses, mules or oxen, eight cents, and for every additional horse, mule or ox, three cents; for every cart, waggon, sleigh or sled, drawn by one horse or mule, six cents: *Provided always, nevertheless,* that the president and directors of the said company may commute with any person, for the privilege of using the said road, by the year or for any less time. Provide.

V. *And be it further enacted,* That if any person shall pass either of the said gates, on the said road, without paying toll, upon pretence of being exempted therefrom under the act before referred to, every person so offending shall, for every such offence, forfeit and pay to the aforesaid company ten dollars, to be recovered in an action of debt by the treasurer of the said company, in his own name, in any court having cognizance thereof; and if any person, claiming an abatement of toll, shall give false information to the collector of tolls of the distance he or she has travelled on the said road, every person so offending shall forfeit, for each offence, to the said company, five dollars, to be recovered in an action of debt by the treasurer, in his own name, in any court having cognizance thereof. Penalty for avoiding gate.

VI. *And be it further enacted,* That the company hereby incorporated shall have and enjoy all the rights, privileges, powers and immunities, which are given and granted in and by the before recited act, and shall be subject to all the conditions, provisions, restrictions and regulations contained in the same; saving and excepting where the same are contrary to the provisions of this act.

CHAP. CLXXXIX.

AN ACT to divide the counties of Seneca and Cayuga, and for other purposes.

Passed April 7, 1817.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly,* That all that part of the counties of Seneca and Cayuga, beginning at the head of the Seneca Lake, thence east, along the south bounds of the townships of Hector, Ulysses and Dryden, to the south east corner of Dryden; thence north, along the east line of Dryden and Locke, to the north east corner of lot No. sixty, in Locke; thence west, along the north lines of lots number sixty, fifty-nine, fifty-eight, fifty-seven, fifty-six, fifty-five, fifty-four, fifty three, fifty-two and fifty-one, to the west line of said township of Locke; thence along the north lines of lots number fifty, forty-nine, forty-eight, forty-seven, forty-six, forty-five, forty-four, forty-three and forty-one, in the town of Genoa, (formerly called Milton) to the Cayuga Lake; thence west, crossing said lake, to the north east corner of lot number fifty-two, in the township of Ovid; thence along the north line of lots number fifty-two, fifty-one, fifty, forty-nine, forty-eight, forty-seven, forty-six, forty-five and forty-three, to the west line of the county of Seneca; thence southerly, along the said line, to the place of beginning, shall be one separate county, to be called and known by the name of Tompkins; and all the residue of the county of Seneca, together with that part Bounds of Tompkins.

of the county of Cayuga described as follows, to wit: beginning at the north east corner of the town of Galen; thence north, along the west bounds of the township of Cato, to the north west corner thereof; thence north, to the Ontario Lake; thence along said lake, to the county of Ontario; thence south, along the east bounds of said county, to the north west corner of the township of Galen, shall be and remain a separate county by the name of Seneca.

Courts, when
holden.

II. *And be it further enacted*, That there shall be held in and for the county of Tompkins, a court of common pleas and a court of general sessions of the peace, to be held in three terms, to commence as follows, to wit: the first term of the said court shall begin on the fourth Tuesday of May next, the second term shall begin on the fourth Tuesday of September next, and the third term shall begin on the fourth Tuesday of January next; and each of the said terms of the said courts may continue to be held until the Saturdays following the said Tuesdays, inclusive. And the said courts of common pleas shall have the same jurisdiction, powers and authority in the said county, as courts of common pleas and general sessions of the peace in the other counties of this state have in their respective counties: *Provided*, that nothing in this act contained, shall be construed to affect any suit or action, in any court whatsoever, already commenced, or that shall be commenced before the fourth Tuesday of May next, so as to work a wrong, or to prejudice the parties therein, or to affect any criminal or other proceedings on the part of people of this state, but all such civil and criminal proceedings shall and may be prosecuted to trial, judgment and execution, as if this act had not been passed.

Proviso.

Where held,

III. *And be it further enacted*, That the said courts of common pleas and general sessions of the peace, in and for the said county of Tompkins, shall be holden at the meeting house in the village of Ithaca, until the court house in and for said county shall be erected and so far completed as to be, in the opinion of the judges of the court of common pleas in and for said county, convenient to hold their courts therein; and the said courts of common pleas and general sessions of the peace shall thenceforth be holden, in and for said county, in said court house.

Privileges.

IV. *And be it further enacted*, That the freeholders and inhabitants of the said county of Tompkins, shall have and enjoy all and every the same rights, powers and privileges, as the freeholders and inhabitants of any of the counties of this state are by law entitled to have and enjoy.

Prisoners,
where con-
fined.

V. *And be it further enacted*, That it shall and may be lawful for all courts and officers of said county of Tompkins, in all cases, civil and criminal, to confine their prisoners in the gaol of the county of Seneca; and that it shall not be the duty of the justices of the supreme court to hold a circuit in the said county of Tompkins, until the expiration of one year, unless in their judgment they shall deem it necessary.

Members of
assembly.

VI. *And be it further enacted*, That the said county of Tompkins shall be entitled to elect two members of the Assembly, and the county of Seneca shall be entitled to choose two members of the Assembly, and the county of Cayuga shall be entitled to choose three

members of the Assembly, in the same manner as the other counties within this state are by law entitled.

VII. *And be it further enacted*, That it shall be the duty of the supervisors and county treasurers, of the said counties of Cayuga, Seneca and Tompkins, to meet on the second Tuesday of June next at the village of Auburn, in the county of Cayuga, and apportion all the monies in the hands of the respective treasurers of the counties of Cayuga and Seneca, as to them, or a majority of them, shall appear to be just and equitable. Monies to be divided.

VIII. *And be it further enacted*, That that part of the township of Locke, which lies within the county of Tompkins, as before directed, shall be a separate town by the name of Division, and the first town meeting shall be held on the fifteenth day of April, in the year one thousand eight hundred and seventeen, at the house of Samuel Love, in said town. The remaining part of said township of Locke, shall remain a separate town by the name of Locke, and the first town meeting in Locke shall be held at the place where it was last adjourned to. Division, a new town.

IX. *And be it further enacted*, That all that part of the township formerly called Milton, which lays within the county of Tompkins, as before described, shall be a separate town by the name of Lansing; and the first town meeting shall be held on the fifteenth day of April, in the year one thousand eight hundred and seventeen, at the house of Samuel Howe, in said town; and the remaining part of the said township of Milton shall remain a separate town by the name of Genoa, and the first town meeting in Genoa, shall be held at the house of Ebenezer Hewit. Lansing.

X. *And be it further enacted*, That all that part of the township of Ovid, which lays in the county of Tompkins, as before directed, shall be a separate town by the name of Covert, and the first town meeting shall be held on the fifteenth day of April, in the year one thousand eight hundred and seventeen, at the house of Chauncey Pratt, in said town; and the remaining part of said township of Ovid shall remain a separate town by the name of Ovid, and the first town meeting shall be held at the house of Daniel Scott. Covert

XI. *And be it further enacted*, That all that part of the township of Sterling, which lays in the county of Seneca, according to the line as herein before mentioned, shall be and is hereby annexed to the town of Wolcott. Sterling.

XII. *And be it further enacted*, That the supervisors and overseers of the poor in the town of Ovid, and the town of Covert, shall meet on the second Tuesday of May next, at the house of Daniel Scott, in the town of Ovid; and also the supervisors and overseers of the poor of the town of Genoa and the town of Lansing, shall meet on the day aforesaid, at the house of Samuel Howe, in the town of Lansing; and also the supervisors and overseers of the poor of the towns of Locke and Division, shall meet at the house of Samuel Love, on the day aforesaid; and the said several supervisors and overseers of the poor shall divide the monies and poor belonging to the said towns, and thereafter each of the said towns shall maintain their own poor. Poor & money to be divided.

XIII. *And be it further enacted*, That it shall be the duty of the commissioners of common schools, in the several towns which are Commissioners of schools

divided by this act, to meet at the same time and place where the supervisors and overseers of the poor are directed to meet, and make an equitable apportionment of the monies arising either from the rents or sale of the gospel and school lots, belonging to each of the original towns hereby divided as aforesaid.

And whereas sundry freeholders and inhabitants of that territory hereby erected into a new county by the name of Tompkins, have offered to build a suitable court house and gaol for said county, by voluntary subscription, at the village of Ithaca, in the town of Ulysses—Therefore,

Court house
and gaol.

XIV. *Be it further enacted*, That the court house and gaol of the county of Tompkins, shall be erected at such place in said village of Ithaca, as the surveyor general shall designate: *Provided*, That in case of the death or refusal of the said surveyor general to designate such site for said court house and gaol, on or before the first day of May next, it shall and may be lawful for the judges of the court of common pleas, or a majority of them, whose duty it shall be to meet on a certain day to be fixed upon by the first or senior judge, on or before the first day of June next, and establish and fix the site for such court house and gaol, whose decision shall be conclusive in the premises: *Provided further*, That a suitable and convenient lot for said court house and gaol, shall have been first conveyed to the supervisors of said county, and their successors forever: *And provided further*, That the said freeholders and inhabitants shall, on or before the first day of May next, have executed to the supervisors of said county, and their successors in office, good and sufficient bonds, with approved security, to the amount of seven thousand dollars, to be paid in such manner and at such times, as the said supervisors shall direct; and in case of the failure of such bonds being given as aforesaid, the said county shall be reannexed to the original counties to which it formerly belonged before the passing of this act; and whenever the said gaol, in and for the said county of Tompkins, shall be so far completed as, in the opinion of the sheriff of the said county, it will be safe to remove the prisoners thereto, it shall and may be lawful for said sheriff to remove all his prisoners, then confined in the gaol of the county Seneca, or on the limits thereof, to said gaol in the county of Tompkins, and such removal shall not be considered an escape.

Proviso.

Commission-
ers.

XV. *And be it further enacted*, That Luther Gere, William R. Collins and Daniel Bates, shall be and they are hereby appointed commissioners to superintend the building of said court house and gaol, in said county of Tompkins, and shall account to the supervisors of said county for all monies which they may have received, whenever thereunto required: *Provided*, That the said commissioners shall first have given bonds, with approved security, to the said supervisors, for the faithful performance of the trust reposed in them, and that the said commissioners shall receive two dollars per day for their services, for each day they may be actually employed in the duties of their said office, which said accounts shall be audited by the board of supervisors, and paid as other contingent charges of the county.

Proviso.

Commission-
ers.

XVI. *And be it further enacted*, That John Knox, Reuben Swift and John Watkins, be and they are hereby appointed com-

missioners, to superintend the building of a court house and gaol in the village of Waterloo, in the town of Junius, in the county of Seneca, on such lot as the said commissioners shall select: *Provided*, said lot shall first have been conveyed to the supervisors of the said county of Seneca and their successors forever.

XVII. *And be it further enacted*, That the supervisors of the several towns in the county of Seneca for the time being, or a majority of them, shall be and they are hereby authorized and required, to direct to be raised and levied on the freeholders and inhabitants of the said county, the sum of four thousand dollars, with the additional sum of five cents on each dollar for collecting the same; which sum shall be raised at such times, and levied and collected, in the same manner as the other contingent charges of the county are levied and collected; *Provided*, that before the said supervisors shall order the said sum of money to be raised as aforesaid, they shall have received a certificate from the said commissioners, or a majority of them, that a sum equal to that which they shall order to be raised, has been subscribed by voluntary donation towards the building of said court house and gaol.

Money to be raised.

Provide.

XVIII. *And be it further enacted*, That the said commissioners, or a majority of them, may contract with the workmen, and purchase materials, for building said court house and gaol, and shall from time to time draw upon the treasurer of the said county for such sums of money, for the purposes aforesaid, as shall come into the treasury by virtue of this act; and the treasurer is hereby required, out of the monies aforesaid, to pay to the order of the said commissioners, the several sums of money to be by them drawn for; and it is hereby made the duty of the said commissioners, to account with the supervisors of the said county for the monies which they shall have received from the treasury, when thereunto required.

Commissioners' duty.

XIX. *And be it further enacted*, That it shall be lawful for the treasurer of the county of Seneca to retain in his hands one cent on each dollar, for his trouble in receiving and paying out the monies directed to be raised in the said county by this act.

Treasurer's fees.

XX. *And be it further enacted*, That whenever the said court house in the village of Waterloo shall be so far completed, as in the opinion of the first judge of the county of Seneca shall be convenient to hold courts therein, then it shall be the duty of the court of common pleas and general sessions of the peace, to adjourn their courts from their present court house in said county, to the court house in the said village of Waterloo; and whenever the said gaol in the village last aforesaid shall be so far completed, as in the opinion of the sheriff of said county shall be safe to keep the prisoners of said county, then it shall and may be lawful for the said sheriff to remove the said prisoners from the gaol in the town of Ovid, to the gaol in the village of Waterloo; and such removal shall not be considered an escape; and the court house and gaol so to be erected in the village of Waterloo shall thenceforth be the court house and gaol of the county of Seneca.

Court house & gaol at Waterloo.

XXI. *And be it further enacted*, That it shall be lawful for the supervisors of the county of Seneca to dispose of the old court house and gaol in the town of Ovid, after the new court house and gaol shall be erected in the village of Waterloo, in such manner as they

Old court house.

shall think proper, and to execute a good and sufficient deed of conveyance of the same, and of the ground belonging to the said county whereon the same now stands, and to appropriate the monies to such public use as they may think proper.

CHAP. CXG.

AN ACT to incorporate the Elmira bridge company.

Passed April 7, 1817.

Associates. I. *BE it enacted by the people of the State of New-York, represented in senate and assembly,* That Matthew Carpenter, Samuel Tuthill, George C. Edwards and Solomon L. Smith, and their present and future associates, their successors and assigns, be and they are hereby created a body corporate and politic, by the name of the president and directors "of the Elmira bridge company," for the purpose of building a bridge over the Chemung river, at or near the village of Newtown, in the county of Tioga, and they are hereby ordained, constituted and declared to be a body politic and corporate in fact and in name, and by that name they and their successors shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and so to remain for the term of thirty years; and that they and their successors may have a common seal, and may change and alter the same at pleasure; and also that they and their successors, by the same name and style, shall be in law capable of purchasing, holding and conveying any estate, real and personal, for the use of the said corporation: *Provided,* that the real and personal estate so to be holden, shall be such only as shall be necessary to promote or attain the object of this incorporation.

7 Directors. II. *And be it further enacted,* That the stock, property, affairs and concerns of the said corporation, shall be managed, directed and conducted by seven directors, who shall be stockholders, and shall be annually chosen and elected on the first Monday of May in every year, at such place in the village of Newtown as the directors for the time being, or any four of them, shall appoint, of which notice shall be given in a newspaper printed in the said village of Newtown, and in case no public newspaper shall be printed in Newtown at the time required for giving said notice, then and in that case the said notice shall be posted up at three public places in the village of Newtown, at least ten days before the day of meeting; that all elections for directors shall be by ballot, and the person who shall at such election have the greatest number of votes, shall be directors, and shall hold their offices for one year and until others be chosen in their places; and if any vacancies shall happen among the directors, by death, resignation or otherwise, such vacancies shall be filled for the remainder of the year in which they may happen, by the appointment of the other directors for the time being, or a majority of them.

III. And be it further enacted, That the said Matthew Carpenter, Samuel Tuthill, George C. Edwards and Solomon L. Smith, be and they are hereby appointed commissioners to do and perform the several duties hereinafter mentioned, that is to say, they shall on or before the first Tuesday of July next, procure four books, and in each of them enter, as follows, to wit: "We, whose names are hereunto subscribed, do, for ourselves and our legal representatives, promise to pay to the president, directors and company of the Elmira bridge company, twenty dollars for every share of stock set opposite to our names respectively, in such manner and proportion, and at such time and place as shall be determined by said president, directors and company, on pain of forfeiting our shares and all payments previously thereon made;" and that every subscriber shall at the time of subscribing pay the said commissioners, or some one of them, two dollars for each share so-subscribed; and the said commissioners, or some one of them, shall, as soon as three hundred shares are subscribed, cause notice to be published in said newspaper printed in said village of Newtown, giving at least ten days notice of the time and place when and where the said subscribers shall meet to choose directors; and in case no newspaper shall be published in Newtown at the time, then and in that case the said notice last mentioned, shall be posted up at three public places in the said village of Newtown: and the said directors shall immediately after their election as aforesaid, meet at the said village of Newtown, and choose one of their number to be their president; and when the said directors shall have chosen their president as aforesaid, the said commissioners shall forthwith deliver him the books of subscription and the monies received thereon.

Commissioners.

Their duties!

Notice of the time of choosing directors.

IV. And be it further enacted, That a share in the stock of the said company shall be twenty dollars, and the number of shares shall not exceed six hundred; and that the said shares shall be taken, deemed and considered to be personal estate, and shall and may be transferable.

Stock.

V. And be it further enacted, That at all elections for directors, each stockholder shall be entitled to a number of votes proportioned according to the number of shares he or she shall hold in his or her name; and that in case an election of directors shall not be made on any day, when pursuant to this act it ought to have been done, it shall be lawful for any one of the stockholders to give ten days notice of an election on any other day; and the stockholders may on any such day meet in the village of Newtown, and elect seven directors, who shall hold their offices and have like powers as though such election had taken place on the day for the annual election.

Each share one vote.

VI. And be it further enacted, That the court of common pleas of the county of Tioga, shall, on request of the president and directors of said company, appoint three respectable freeholders, who shall be commissioners to determine and fix upon the spot in or near the said village of Newtown where the said bridge shall be built: *Provided*, the spot so to be fixed upon for building the said bridge by said commissioners shall not be more than one hundred and twenty-five yards from the dwelling house of Grant B. Baldwin, Esq. of said village; the determination of which said commissioners, or any two of them, in writing under their hands, shall be final;

Commissioners to fix on place for the bridge.

Their pay. each of which said commissioners shall receive from the said company four dollars for each and every day he shall attend upon the business of the said appointment; and that the said president and directors, their agents, artists or other persons employed by them, may enter on and take possession of the lands on each side of the river where the said commissioners shall determine said bridge shall be erected; and in case such land so to be taken possession of shall not be part of the public highway, the said corporation shall, before taking the possession of any such land, pay the owner or owners thereof, on receiving a conveyance of the land, the value of so much of the same as may be necessary for making said bridge and erecting and establishing a gate, toll-house and all other works to the said bridge belonging; in case of disagreement between the parties as to such value, the same shall and may be ascertained by three indifferent freeholders of the county where such land shall lie, who shall be appointed for that purpose, and sworn to make a just valuation, by the judges of the court of common pleas not interested, or a major part of them, held for the same county, on application from the said president and directors to them for such appointment, and it shall be the duty of the said president and directors to make such application within six weeks after possession taken of said land and disagreement as to the value thereof: *Provided always*, that the said president, directors and company, or the stockholders of the said company, if the corporation shall become dissolved, shall reconvey to the said owners respectively, and their respective heirs and assigns, if thereunto required, such parts of the land now belonging to the said owners as shall be appropriated or obtained by the said president, directors and company, by appraisal or otherwise, for the use of the said company, at and for such sum and sums of money as the said owners respectively shall receive for the same; and if the said president, directors and company, or the stockholders thereof if the corporation shall become dissolved, shall within thirty days after such request made, refuse or neglect to execute such conveyance, such land shall become vested in the said owners respectively making such request, in the same manner as the said owners held the same before it was obtained or appropriated as aforesaid.

Call. VII. *And be it further enacted*, That it shall and may be lawful for the said president and directors to call on and demand from the stockholders respectively, all such sums of money by them subscribed or to be subscribed, at such times and in such proportions as they shall see fit, under pain of forfeiture of their shares and all previous payments thereon to the said president, directors and company.

Width of the bridge. VIII. *And be it further enacted*, That the said bridge shall be built at least twenty-two feet wide, and be well covered with plank not less than two and a half inches thick: the sides of the said bridge to be secured with good substantial railings, and shall be so constructed that the opening between the piers under the same shall not be less than the width of sixty feet for the passage of rafts and boats.

The judges to certify IX. *And be it further enacted*, That as soon as the said bridge shall be finished and completed, and the judges of the court of com-

when the buildings are finished.

men pleas in and for the county of Tioga, or any two of them, not being stockholders in said company, shall, upon inspection, certify under their hands that the said bridge is well and sufficiently constructed and built, and will admit of the passage of teams and loaded carriages, it shall and may be lawful for the said president and directors to erect a gate at either end of said bridge, and demand, receive and take for the use of the said corporation, a toll not exceeding the following rates, to wit: for every four wheel pleasure carriage drawn by four horses, thirty-one cents, if drawn by two horses, twenty-five cents; every curricule, chaise, chair or sulkey, drawn by one horse, twelve and an half cents, if drawn by two horses, fifteen cents; every waggon and two horses, nineteen cents, and three cents for every additional horse; every sled or sleigh drawn by two horses, nineteen cents, and three cents for every additional horse; each ox-waggon, cart, sleigh or sled drawn by two oxen, nineteen cents, and each additional yoke of oxen, six cents; every one horse cart, twelve and one half cents; every one horse waggon, sleigh or sled, ten cents; every man and horse, six cents; every foot passenger, three cents; every horse, jack or mule, four cents; every cow or other neat cattle, two cents; every score of sheep or hogs, twenty cents, and so in proportion for a greater or less number: and it shall be lawful for the toll-gatherer to stop at said gate, every foot passenger, and any person driving, riding or leading any beast or carriage from going through such gate until they have respectively paid the toll therein allowed to be collected: *Provided nevertheless*, that any troops in the service of this state, or any of the United States, and all artillery, all waggons or carriages and stores of any kind, belonging to this state or the United States, shall pass said bridge without paying toll.

Tolls.

Who exempt from toll.

X. *And be it further enacted*, That the said president and directors for the time being, or a major part of them, shall have power to appoint a treasurer and clerk, and one or more toll-gatherers, and to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property and estate of the said corporation, the duties of their treasurer, clerk, agents and servants employed therein, and all such matters as appertain to the said corporation: *Provided*, that such by-laws rules, and regulations be not inconsistent with the constitution and laws of the United States or of this state.

Powers.

XI. *And be it further enacted*, That if any person or persons shall wilfully do or cause to be done any act whatsoever, whereby the said bridge or any thing appertaining to the same shall be impaired, weakened or injured, the person or persons so offending, shall forfeit and pay to the said company treble the amount of the damages sustained by means of such offence or injury, to be recovered by the said company with costs of suit, in an action of trespass, in the name of the treasurer of said company, to their use, in any court having cognizance thereof, which action shall in every instance be considered as transitory in its nature.

Penalty for injuring the bridge.

XII. *And be it further enacted*, That if any person or persons shall forcibly pass the gate to be erected over said bridge in pursuance of this act, or shall cause his or their horse, carriage, waggon,

Penalty for forcibly passing gate.

aled, cattle or other thing or things to pass the same without having paid the legal toll for passing said bridge, such person or persons shall forfeit and pay a fine not exceeding ten dollars nor less than one dollar, to be recovered by the treasurer of said corporation, to their use, in an action of trespass, which action shall in every instance be considered as transitory in its nature.

Toll-gatherer
or liable.

XIII. *And be it further enacted*, That if any toll-gatherer shall unreasonably detain or hinder any traveller or passenger at the said gate, or shall demand and receive more toll than is by this act established, he shall for every such offence forfeit and pay the sum of ten dollars, to be sued for and recovered before any justice of the peace in the county where such offence shall be committed, for the sole use of the person or persons so unreasonably delayed, hindered or defrauded.

May be dis-
solved.

XIV. *And be it further enacted*, That in case the aforesaid bridge shall not be erected, built and completed on or before the first day of December, in the year of our Lord one thousand eight hundred and twenty, then the corporation erected by this act shall be adjudged and considered as dissolved.

XV. *And be it further enacted*, That if said bridge, after the same shall have been completed, shall at any time be impassable for the term of six months, that then the said corporation shall cease, and the same is hereby declared, in such case, to be dissolved: *Provided nevertheless*, that no such dissolution of the said corporation shall take place if the said bridge shall be carried away by ice, freshets, rafts, or any unavoidable accident, in case the same shall be rebuilt within two years after the same shall be carried away.

Public act.

XVI. *And be it further enacted*, That this act be and is hereby declared to be a public act, and shall be construed benignly and favorable for every beneficial purpose herein intended.

Toll list.

XVII. *And be it further enacted*, That it shall be the duty of the said corporation, to cause to be affixed in a conspicuous place over the gate, a printed list of the rates of toll, and in default thereof, to be subject to the penalty of five dollars for every forty-eight hours, to be sued for and recovered, by any person who shall prosecute for the same in his own name.

No other
bridge or fer-
ry.

XVIII. *And be it further enacted*, That during the existence of the said corporation, it shall not be lawful for any person or persons to build, erect or make any bridge, or keep any public ferry across the said Chemung river, within two miles of the bridge erected by this corporation; and that any bridge erected, or any public ferry kept contrary to the above provision of this act, shall be considered a public nuisance, and as such may be abated: *Provided nevertheless*, that this clause shall not be considered to become operative until the bridge to be erected by the company hereby incorporated shall be so far completed as to be passable for horses and carriages.

XIX. *And be it further enacted*, That after the expiration of the said term of thirty years, the said bridge, with its appurtenances, shall become the property of and be vested in the people of this state.

CHAP. CXCI.

AN ACT to incorporate the Bank of Plattsburgh.

Passed April 7, 1817.

WHEREAS Reuben H. Walworth, Samuel Moore, Melancton Smith, Levi Platt, Lewis Ransom and others, associated as a company, under the name and style of "the bank of Plattsburgh," by their petition, presented to the legislature, have prayed for the privilege of being incorporated as a company and body corporate:—

Presumptive

Therefore,

I. BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That all such persons as shall be stockholders of the said bank, shall be, and hereby are ordained, constituted and declared to be, from time to time, and until the first day of January, which will be in the year of our Lord one thousand eight hundred and thirty-two, a body corporate and politic, in fact and in name, by the name of "the president, directors and company of the bank of Plattsburgh;" and by that name, they and their successors, until that day, shall and may have succession, and shall be in law persons capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors may have a common seal, and may alter and change the same at their pleasure; and also, that they and their successors, by the aforesaid name of incorporation, shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of the said corporation: *Provided*, that the real estate which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for its immediate accomodation in relation to the immediate transaction of its business, or such as shall have been *bona fide* mortgaged to it, by way of security, or conveyed to it in satisfaction of debts previously contracted, in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts: *And provided*, that the said bank shall be established in the village of Plattsburgh, and that its operations of discount and deposit shall be carried on in the said village of Plattsburgh, and not elsewhere: *And provided also*, that it shall not be lawful for the said bank to issue any notes or bills, until an affidavit by the president and cashier of said bank shall be made and filed in the clerk's office of the county of Clinton, stating, that the sum of twelve and a half per cent. upon each share of the capital stock of the said bank, has been actually paid into the said bank by the several stockholders, in specie: *And further*, that the said corporation shall not, directly or indirectly, deal or trade in business, or in selling any goods, wares, merchandises, or commodities whatsoever, or in buying and selling any stock created under the United States, or of any particular state, unless in selling the same when truly pledged by way of security for debts due the said corporation.

Declared a body corporate.

Proviso.

Operations in Plattsburgh.

Restricted to dealings.

Stock.

II. *And be it further enacted*, That the capital stock of the said corporation shall be three hundred thousand dollars; and that a share in said stock shall be twenty-five dollars.

To be managed by 13 directors—how and when chosen.

III. *And be it further enacted*, That the stock, property affairs and concerns of the said corporation, shall be managed and conducted by thirteen directors, to be appointed and chosen in the manner hereafter mentioned, who shall be stockholders, and citizens of this state, and of whom at least seven shall reside in the village of Plattsburgh, and shall hold their offices for one year, and until others shall be chosen in their places; the election for directors shall be held on the first Monday of November in each year, at such time of day and at such place within the village of Plattsburgh as the majority of the directors shall appoint; and public notice shall be given, not less than thirty days previous to the time of holding the said election, by an advertisement to be inserted in one of the public newspapers printed in the said village of Plattsburgh; the said election shall be made by the stockholders in the said corporation, either in person or by proxy; and all elections for directors shall be by ballot; each stockholder shall be entitled to a number of votes in proportion to the number of shares which he or she shall hold in his or her name at least thirty days previous to the time of voting, that is to say, one vote for each and every share; and the thirteen persons who shall have the greatest number of votes as aforesaid, shall be directors; and if it should happen at any election, that two or more persons elected as aforesaid, shall have an equal number of votes, then the commissioners, hereinafter named, at their first election, and afterwards the directors in office at the time of such election, or a major part of them, shall proceed to ballot, and by a plurality of votes determine which of the said persons, so having an equal number of votes, shall be director or directors, so as to complete the whole number so to be elected; and the directors, as soon as may be thereafter, shall proceed, by ballot, to elect one of their number to be their president; and if any director living in the village of Plattsburgh, shall remove out of the same, his office shall become vacant; and all vacancies in the directors shall be filled for the remainder of the year in which they shall happen, by such person or persons as the remainder of the directors, or a majority of them, shall appoint.

Commissioners to open books.

Notice.

IV. *And be it further enacted*, That Samuel Moore, Peter Salliy, Ezra C. Gross, Melancthon Smith, William D. Ross and Alexander Scott, shall be commissioners, whose duty it shall be, on or before the first Monday of June next, at some proper place in the village of Plattsburgh, to open books to receive subscriptions to the capital stock of said bank; and public notice shall be given by the said commissioners, of the time and place of opening such books, in all the newspapers printed in the county of Clinton, for at least four weeks; and it shall be the duty of the said commissioners to keep said books open for the space of one week, to receive the subscriptions of all persons inclined to subscribe therein, being residents of this state; and the said commissioners shall demand and receive from any subscribers at the time of subscription, the sum of one dollar in specie on each share so subscribed; and if the number of shares so subscribed, shall exceed twelve thousand shares, the

said commissioners shall apportion the same among the several subscribers in proportion to the amount of their several subscriptions; and the said commissioners shall be inspectors of the first election of directors of said bank, and they, or a majority of them, shall certify under their hands the names of those duly elected, and deliver over to them the subscription books, together with the deposit in money on the stock so subscribed; and the time and place of holding such first election shall be fixed by said commissioners, or a majority of them, and public notice given thereof by them as aforesaid, at least thirty days, in the public newspaper printed in the said village of Plattsburgh; and the said directors so chosen shall hold their offices until the first Monday of November next; and in case the said number of twelve thousand shares should not be subscribed for in the books directed by this act to be opened by the commissioners as aforesaid, within the time aforesaid, then subscriptions shall be opened and kept open, under the direction of the said commissioners, at such times and places as they shall think proper, until the whole number of shares shall be subscribed.

V. *And be it further enacted*, That in case it should at any time happen, that an election of directors should not be made on the day prescribed by this act, the corporation for that cause shall not be deemed to be dissolved, but it shall and may be lawful on any other day to hold and make an election of directors according to the by-laws and regulations of said corporation.

VI. *And be it further enacted*, That the directors for the time being, or a majority of them, shall have full power to make and prescribe such by-laws, orders, rules and regulations as to them shall appear needful, touching the management and disposition of the stock, property, estate and effects of the said corporation, and the time and manner of the discounts and deposits made in and by the same; the duties and conduct of the officers, clerks and servants employed therein, the election of directors, and all such matters as appertain to the business of a bank; and shall also have power to appoint so many officers, clerks and servants, for carrying on all and singular the said business, with such salaries and allowances, as to them shall seem meet: *Provided*, that such by-laws, orders, rules and regulations be not repugnant to the constitution and laws of this state or the United States.

By-laws.

VII. *And be it further enacted*, That no transfer of stock shall be valid or effectual, until such transfer shall be registered in a book or books to be kept for that purpose by the directors, and unless the person making the same shall previously discharge all debts due by him or her to the said corporation, which exceed in amount the residuary stock of such person.

Transfer of stock.

VIII. *And be it further enacted*, That the total amount of debts at any time and in any manner due by the said corporation, over and above the specie then actually deposited in the bank, shall not exceed three times the sum of the capital stock subscribed and actually paid in the bank; and in case of any excess, the directors under whose administration the same may have happened, excepting those who dissented therefrom or were not present when the same did happen, shall in their individual and private capacity be liable for

Directors liable.

such excess, and the estate of the said corporation shall likewise be liable.

Bills obligatory, &c.

IX. *And be it further enacted*, That the bills obligatory and of credit under the seal of the said corporation, which shall be made to any person or persons, shall be assigned by endorsement thereon, under the hand or hands of such persons, his, her or their assignee or assignees, and so as absolutely to transfer and vest the property thereof in each and every assignee or assignees respectively, and to enable such assignee or assignees to bring and maintain an action thereupon, in his, her or their name; and bills or notes which may be issued by order of the said corporation, promising the payment of money to any person or persons, by his, her or their order, or to the bearer, though not under the seal of the said corporation, shall be binding and obligatory upon the same, in like manner, and with the like force and effect, as upon any private person or persons, if issued by him, her or them, in his, her or their private capacity or capacities, and shall be assignable or negotiable, in like manner as if they were issued by such private person or persons.

Specie payments.

X. *And be it further enacted*, That if, at any time after the passing of this act, the said president, directors and company should refuse, on demand being made at their banking house, during the regular hours of doing business, to redeem in specie, or other lawful money of the United States, their said bills, notes, or other evidences of debt, issued by the said company, the said president, directors and company shall, on pain of forfeiture of their charter, wholly discontinue and close their said banking operations, either by way of discount or otherwise, until such times as they the said president, directors and company shall resume the redemption of their bills, notes or other evidences of debt, in specie, or other lawful money of the United States; and the holder or holders of the said notes, bills or other evidences of debt, shall be entitled to recover from the said corporation, damages at and after the rate of ten per cent. per annum, over and above the sum expressed in the said notes, bills or other evidences of debt, until the said president and directors shall pay or discharge the same in specie, or other lawful money of the United States; and in case the said president, directors and company shall at any time hereafter offend against either of the provisions of this act; it shall be the duty of the attorney-general of this state, by information or otherwise, to prosecute said company for such offence, and on conviction thereof their charter shall be deemed void; and in case the said corporation shall be at any time dissolved, the said stockholders shall severally be liable to the creditors of the said corporation, to the amount of the stock held by them respectively, or so much thereof as may be necessary to satisfy the debts due from the said corporation.

The Attorney-general shall prosecute for offences.

Directors may make calls.

XI. *And be it further enacted*, That it shall be lawful for the directors for the time being, to call and demand of the stockholders respectively, all such sums of money by them subscribed, or to be subscribed, at such time and in such proportions as they shall see fit, under pain of forfeiture of their shares, and all previous payments made thereon, to the said company; always however giving sixty days previous notice of such call and demand, in one or more of the newspapers published in the village of Plattsburgh.

XII. *And be it further enacted*, That it shall be the duty of the directors to make half-yearly dividends of so much of the surplus profits of the said bank, as they or a majority of them shall deem advisable; and that the said corporation shall not demand any greater interest on a loan or discount, for a time not exceeding sixty days, than at the rate of six per centum per annum. Dividends.

XIII. *And be it further enacted*, That the present act of incorporation shall in no wise be forfeited by any non-user whatsoever, at any time before the first day of December, in the year one thousand eight hundred and eighteen; and it shall be lawful on that day for the stockholders above mentioned, to assemble for the purpose of carrying the same into effect, any want of notice in the manner above prescribed to the contrary notwithstanding.

XIV. *And be it further enacted*, That it shall be the duty of the president and cashier of said bank, for the time being, to make a return, under oath, to the comptroller of this state, on the first day of January in each year; which return shall contain a full and true account of the funds and property of the said bank, the amount of its capital stock subscribed and paid, the amount of debts due to and from the said bank, the amount of the bills and notes emitted by the said bank in circulation, and the amount of specie in the said bank, at the time of making such return. And in case the said president and cashier shall refuse or neglect to make such return as aforesaid, within thirty days after the time prescribed as aforesaid, the legislature may at any time thereafter in their discretion dissolve the said incorporation. Account of funds, &c.

XV. *And be it further enacted*, That this act shall be deemed a public act, and shall be benignly and favorably construed, for all the purposes therein expressed and declared, in all courts and places whatsoever. A public act.

CHAP. CXCII.

AN ACT to incorporate the village of Utica.

Passed April 7, 1817.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly*, That all that district of country, in the county of Oneida, contained within the boundary lines of the village of Utica, as now established by law, to wit: beginning at a point or place on the south side of the Mohawk river, where the division line, between lots number 99 and 100, in Cosby's manor, strikes the said river; thence running southerly in the said division line to a point in the same, fifty chains southerly of the great road leading to fort Stanwix; thence east thirty-seven degrees south, to the easterly line of the county of Oneida; thence northerly in the said county line to the Mohawk river; thence westerly up the middle of the waters of the said river to the place of beginning; and all the freemen of this state, inhabitants within the limits aforesaid, be and hereby are ordained, constituted and declared to be, from time to time, and forever hereafter, a body corporate and politic, in fact and in name, by the name of the trustees of the village of Utica, and

Incorporated

Powers.

by that name they and their successors forever hereafter shall and may have perpetual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and of what kind and nature soever; and that they and their successors may have a common seal, & may change and alter the same at their pleasure; and also, that they and their successors, by the name of the trustees of the village of Utica, shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the public use of the said corporation; and that the said trustees and their successors shall, by virtue of this act, become and be absolutely and completely vested with, possess and enjoy, all the lands, tenements, hereditaments, property, rights, causes of action, privileges, immunities and estate whatsoever, both in law and equity, in possession, reversion or remainder, which at the time of passing this act are vested in or belong to the present trustees of the village of Utica: *Provided*, that nothing in this act contained shall affect any suit or suits now pending in the name of the present trustees of the village of Utica.

Proviso.

Wards.

II. *And be it further enacted*, That the said village shall be divided into three wards, in manner following, to wit: all that part of the said village contained within the following bounds, to wit: beginning in the northerly line of said village, where the centre or middle of Genesee-street extended would strike the said northerly bounds, running thence through the centre or middle of Genesee-street to the centre or middle of John-street; thence along the centre or middle of John-street, to the centre or middle of Broad-street; thence easterly through the centre or middle of Broad-street, to the centre or middle of First-street; thence southerly on a direct line through the centre or middle of First-street to the southerly line of the said village; thence easterly along the southerly bounds of said village, to the easterly line of said village; thence northerly along the said easterly line of said village to the northerly line of the said village; thence along the northerly bounds of the said village to the place of beginning, shall constitute one ward, and shall be denominated the first ward: and all that part of the said village, contained within the following bounds, to wit: beginning in the northerly line of said village where the centre or middle of Genesee-street extended would strike the said northerly bounds; thence southerly along the westerly line of first ward to the southerly bounds of said village; thence westerly along the southerly bounds of said village to the centre or middle of Genesee-street; thence northerly through the centre or middle of Genesee-street to the centre or middle of Hotel-street; thence through the centre or middle of Hotel-street to Whitesborough-street; thence across Whitesborough-street to the southeasterly corner of the York house; thence along the easterly side of said York-house in a direct line to the northerly bounds of the said village; thence along the northerly bounds of said village to the place of beginning, shall constitute one ward, and be denominated the second ward: and all that part of the said village, contained within the following bounds, to wit: beginning at the northwest corner of the second ward, running thence southerly along the westerly line of said second ward to the

southerly bounds of said village; thence westerly along the southerly bounds of said village to the westerly bounds of said village; thence northerly along the westerly bounds of said village, to the northerly bounds of the said village; thence easterly along the northerly bounds of the said village to the place of beginning, shall constitute one ward, and be denominated the third ward.

III. *And be it further enacted*, That there be, and forever hereafter there shall be, in and for the said village, one president, six trustees, one clerk, one treasurer, one supervisor, one collector, three assessors and two constables.

Officers.

IV. *And be it further enacted*, That the person administering the government of this state, by and with the advice and consent of the council of appointment, shall annually, during the session of the legislature, or at such time as the said council shall be assembled, next before the first day of May in every year, nominate and appoint, out of the inhabitants of the said village, one fit and discreet freeholder to be trustee of said village, who shall be president of the board of trustees of said village, which said president shall be ex-officio a justice of the peace, and have, possess and exercise, within the limits of the said village, the same power and authority as are by law vested in a justice of the peace, in and for the county of Oneida, and shall continue in his said office for the term of one year from his said appointment, and until some other person shall be appointed and sworn in his stead.

President,
how appointed.

V. *And be it further enacted*, That all elections for trustees, supervisor, assessors and constables, held in any of the wards of said village, shall be by ballot, and the election for trustees and assessors shall be conducted as follows: every person qualified to vote at any such election, who shall offer himself to vote, shall, at such election, openly deliver his ballot to one of the officers holding the said election, which ballot shall be a paper ticket, containing the names of two persons for trustees, and the name of a person for assessor of the ward in which such elector shall reside, or such or so many of them respectively, as he shall think proper to vote for, designating who are voted for as trustees and who for assessor, and for whom the said elector shall think proper to vote; and the said paper ticket shall be so folded or closed as to conceal the writing thereon, and on the receipt of every such ballot, the officers holding such election shall, without suffering the same to be opened or inspected, cause the same to be put into a box to be provided by the board of trustees of said village for that purpose: *And further*, that the poll of such election shall be opened at ten o'clock in the forenoon, and shall continue open until three o'clock in the afternoon of the same day, and no longer; and that the name of each elector, voting at such election, shall be written in the poll lists to be kept at such election by the officers holding the same; and that after finally closing the poll of any such election, the officers holding the same in any of the said wards, shall proceed without delay publicly, first to count the said ballots unopened; and if the number of ballots, so counted, shall exceed the number of electors contained in the poll lists, the officers holding such election shall draw out and destroy, unopened, so many of the ballots as shall amount to the excess; and if two or more ballots are found rolled or folded up together, they shall not be estimat-

Elections,
how conducted.

Polls.

ed; and thereupon the officers holding such election shall immediately proceed openly and publicly to canvass and estimate the votes given at such election, and shall complete the said canvass and estimate on the same day, and shall thereupon certify and declare the number of votes given for each person for each respective office, and shall file such certificate in the office of the clerk of the said village on the same day; and the persons having the greatest number of votes for each of said offices, in each ward, shall be declared to be duly elected to such offices respectively; and the assessors, so elected, shall possess the powers and perform the duties of assessors of any town in this state.

**Elections,
when held.**

VI. *And be it further enacted,* That an election shall be held in each of the wards of the said village, on the second Monday of May, in each year, forever hereafter, at such place as the board of trustees of said village shall appoint, and of which place public notice shall be given in writing, in at least three public places in said ward, by the inspectors thereof, at which election two trustees and one assessor shall be annually chosen in each of the said wards respectively; of which election the trustees in each ward respectively, for the time being, or such other person or persons as the board of trustees of the village shall for that purpose appoint, shall be inspectors, excepting that the first election in the several wards of the said village, on the second Monday in May next, shall be held in such place, in each of the said wards, and under the direction of such persons as the present trustees of the said village of Utica may for that purpose appoint as inspectors of such election, and as proper places for holding such first election; and every person offering to vote at any such election shall, at the time of offering his vote, be an actual resident of the ward in which the same is offered, and shall, if required by any person qualified to vote thereat, before he is permitted to vote, take one of the following oaths, viz.

**Elector to
make oath,
if required.**

"I ———, do solemnly swear and declare, (or affirm, as the case may be,) that I am a citizen of the United States, and of the age of twenty-one years, and have resided within this village for six months last past, and paid taxes within the same, and now actually reside within the ——— ward of this village, and have not been before polled at this election."—Or,

Form.

"I ———, do solemnly swear and declare, (or affirm, as the case may be,) that I am a citizen of the United States, and of the age of twenty-one years, and have resided within this village for six months last past, and that I am possessed of a freehold within the said village, and now actually reside within the ——— ward of this village, and have not been before polled at this election."—Or,

"I ———, do solemnly swear and declare, (or affirm, as the case may be,) that I am a citizen of the United States, of the age of twenty-one years, and have resided within this village for six months last past, and have rented a tenement, of the yearly value of five dollars, for the term of one year, within the said village, next immediately preceding this election, and now actually reside within the ——— ward of this village, and have not been before polled at this election."

**False swear-
ing.**

And upon taking such oath he shall be forthwith permitted to vote; and if any person shall knowingly swear falsely in the premises, he

shall be deemed guilty of wilful and corrupt perjury, and punished accordingly before any court having cognizance thereof.

VII. *And be it further enacted*, That on the second Monday in May aforesaid, in every year hereafter, the inhabitants of the respective wards in said village, qualified as herein before mentioned, when assembled for the purpose of electing the officers herein before mentioned, shall, by ballot, elect and choose one supervisor and two constables for said village, for the year then ensuing; and the ballot shall be a paper ticket, containing the name of one person for supervisor and the names of two persons for constables, or such of them as such elector shall vote for, designating in said ticket who is voted for for supervisor and who for constables; and the said paper ticket shall be so folded or closed as to conceal the writing thereon, and shall be delivered to one of the officers holding such election, who, without suffering the same to be opened or inspected, shall put the same into a box, to be provided by the said board of trustees for that purpose, and different from the box in which the ballots for trustees and assessor shall be put, and a poll list shall be kept of the persons voting for supervisor and constables, by the officers holding such election; and after closing the poll of any such election, and on the same day, the officers holding such election shall lock the poll lists in the box containing such ballots, and shall seal the said box in such manner that no ballots can be taken out or put into said box without breaking such seal, and on the same day shall deliver said box, so sealed, and containing said ballots and poll lists, to the clerk of said village, who shall, at the then next meeting of the board of trustees of said village, deliver the box containing the said ballots to the said board of trustees, who shall then and there proceed to canvass and examine the said ballots; and the person who, upon such canvass, is found to have the greatest number of ballots in the whole village for supervisor, shall, by said board of trustees, be then and there declared to be supervisor in and for said village, for the year ensuing; and any two persons having the greatest number of ballots in the whole village for constables, shall, by said board of trustees, be then and there declared to be constables, in and for said village, for the year ensuing: *Provided* that no such canvass or determination by said board of trustees, shall be valid, unless at such meeting there be present at least two thirds of all the trustees of said village; and the supervisor and constables, so elected, shall possess the powers and perform the duties of supervisor and constables of any town in this state.

Supervisor & constables, how chosen.

Canvass.

Provide.

VIII. *And be it further enacted*, That if there shall happen any vacancies in the officers so chosen, by death, resignation or otherwise, before an annual election shall be held, it shall be lawful for the board of trustees of said village to direct an election to be held to supply such vacancy, which election shall be held at such time and place as the said trustees shall direct, and in all respects conducted in the same manner as the said annual election, and the officers thus chosen shall hold their offices until the next annual election.

Vacancies how filled.

IX. *And be it further enacted*, That if any freeman or inhabitant of the said village shall be elected to the office of trustee, supervisor, assessor, constable or collector, of the said village, and having

Penalty for refusing of doc.

notice thereof, shall, for the space of five days after such notice, refuse or neglect to take upon himself such office, he shall, by such neglect or refusal, forfeit the sum of twenty-five dollars, to be recovered in the name of the treasurer of the said village for the use thereof, in an action of debt, with costs, to be taxed in any court having cognizance of actions to that amount.

Trustees.

May appoint clerk, &c.

X. *And be it further enacted*, That the said trustees, or a majority of them, assembled on village business, shall constitute the board of trustees; and the said board of trustees shall be summoned and held at such times and places, in said village, as the president, or in his absence or sickness, any two trustees of said village shall appoint: and the president shall preside at the meetings of the board of trustees; and if he be absent, one of the trustees may be appointed by the members present, as chairman *pro hac vice*: and the said board of trustees shall annually meet at some place in said village, on the third Monday of May, in each year forever, and by plurality of votes, appoint one clerk, one treasurer, one or more collectors, and overseers of the poor, and one or more pound-masters, and fence viewers, porters, carriers, carters, truckmen, packers, beadles, bellmen, common criers, scavengers, measurers, surveyors and gaugers, or such of them as they shall think proper; and the clerk, collectors, overseers of the poor, fence viewers, and pound-masters, so appointed, shall severally possess the powers of clerk, collectors, overseers of the poor, pound-masters and fence viewers, of any town in this state, subject to any regulations concerning them to be made by the board of trustees, in their discretion.

Present firemen.

XI. *And be it further enacted*, That the present firemen of the present village of Utica, shall be and are hereby declared firemen of the said village, subject however, to be removed by the said board of trustees, in like manner as other firemen of the said village.

Licenses.

XII. *And be it further enacted*, That it shall be lawful for the president of said village, by and with the advice and consent of the board of trustees of said village, to grant permits for retailing spirituous liquors under five gallons, and for keeping taverns in said village, at the time and under the regulations prescribed in the act, entitled "an act to lay a duty on strong liquors, and for regulating inns and taverns," and take the recognizance prescribed by the same act; and also exact and receive from the several persons to whom such permits shall be granted, the same excise duties as are allowed and prescribed by the said recited act, to be paid over to the treasurer of the said village, and applied for the support of the poor of the said village, besides a fee of two dollars for every such permit, as a compensation for the services of said president.

Grocers, &c. regulated.

XIII. *And be it further enacted*, That it shall and may be lawful for the board of trustees of said village of Utica, to pass all such ordinances as they shall judge proper, for regulating petty grocers, keepers of ordinaries or victualling-houses, or houses where fruit, oysters, clams, liquor or meat shall be sold, in order to be eaten or drank at such houses, within the said village, and for exacting a recognizance from every such grocer, or other person or persons as aforesaid, in such a penalty, and with such sureties, as the board of trustees shall deem reasonable, conditioned that he, she or they, shall not permit or suffer any strong or spirituous liquors to be drank in

his, her or their house, shop, out-house, yard, garden or premises, nor suffer any kind of gaming within the same, nor sell any sort of strong or spirituous liquors to any apprentice, servant or slave, without a permit from his or her master or mistress; and that no tavern-keeper, grocer or other person as aforesaid, in said village, shall suffer or permit any riot, or any riotous or noisy persons to be assembled in his, her or their house, shop, out-house, yard, garden or premises, nor permit at any time any manner of gaming, quarrelling, or other disorderly practice or conduct, nor keep any billiard table or other instrument or device used for gaming; and that it shall and may be lawful for the said president of said village, in conjunction with any two other justices of the peace in the county of Oneida, to hear and determine, in a summary way, any complaint which may be preferred against any tavern keeper, grocer, or other person as aforesaid, for any offence in the premises; and, in case they shall judge it proper or necessary, to deprive any such tavern keeper, grocer or other person as aforesaid who shall offend in the premises, of his, her or their license or permit: *And further*, that the recognizance which may be required of any person or persons, licensed to retail strong and spirituous liquors, to be drank in his, her or their house, shop, out-house, yard, garden or premises, within the said village, in pursuance of the act, entitled "an act to lay a duty on strong liquors, and for regulating inns and taverns," passed April 7th, 1801, and the recognizances of other persons aforesaid, to be taken and entered into as aforesaid, pursuant to the provisions of this act, instead of being entered into and acknowledged, to and in the name of the people of the state of New-York, shall be taken in the name of the said trustees of the village of Utica: and the said board of trustees shall and may make such orders in relation to prosecutions for breaches thereof, as they shall deem proper and necessary to preserve peace, good order, and to promote the welfare of said village.

Gaming prohibited.

President & two justices may take away licenses.

Recognizances.

XIV. *And be it further enacted*, That it shall and may be lawful for the president, by writing under his hand and seal, to license such and so many butchers within the said village as the said board of trustees shall deem necessary and proper, subject to such regulations as they may adopt, which license shall endure until the third Monday of May in each year, unless the same shall be revoked by the president or any two trustees of said village, by reason of any infraction of the by-laws of the said village, or other mal-conduct of such butchers in the course of their trade, which shall be enquired of and determined in a summary way.

Licenses to butchers.

XV. *And be it further enacted*, That the said board of trustees, be and they are hereby constituted and declared commissioners of highways in and for the said village, and shall possess the powers and perform the duties of commissioners of highways in any town in this state; and shall and may from time to time, pass such ordinances as they shall deem proper, to regulate, keep in repair, clean and alter the streets, highways and bridges in said village, and may appoint one or more suitable person or persons to see that the same are conformable thereto, who shall take an oath faithfully to perform his or their said trust: and the said board of trustees shall and may, from time to time, pass ordinances for the more effectual suppression

Board of trustees authorized to act as commissioners of highways, and to make laws for the government of the village.

Authority
continued.

of vice and immorality, for preserving peace and good order, to prevent forestalling and regrating, and for detecting and restraining every kind of fraudulent device and practice within the said village; to enforce the due observance of the Sabbath day; to suppress and restrain disorderly and gaming houses, billiard tables and other instruments and devices used for the purpose of gaming; to direct the keeping and returning bills of mortality, and to impose penalties on physicians, sextons and other persons for any default in the premises; to regulate the keeping, carting, conveying and transporting of gun powder or other combustible or dangerous materials, and the use of candles and lights in livery or other stables; to prevent the construction of any fire place, hearth, chimney, stove, oven, boiler, kettle or apparatus used in any house, building or manufactory, and to remove the same when considered dangerous in causing or promoting fires; to direct the safe construction of deposits for ashes, and to appoint one or more officers, at reasonable times to enter into and examine all dwelling houses, lots, yards, enclosures and buildings of every description in order to discover whether any of them are in a dangerous state, and to cause such as may be dangerous to be put in a safe and secure condition; to regulate the guaging of casks of spirituous liquors, and to appoint one or more suitable person or persons to superintend and conduct the same; to regulate the place and manner of selling and weighing of hay; to restrain and punish the forestalling of poultry, butter and eggs; to regulate and prevent the running at large of any dogs owned by persons residing in said village, or to impose a reasonable tax upon the owners or possessors of such dogs; to appoint an examiner of weights and measures, and to prescribe his duties; to regulate and prevent carrying on manufactures dangerous in causing or promoting fires; to appoint fire wardens and fire engineers, with such duties and powers as the said board of trustees shall prescribe, and to adopt and establish such measures and regulations, for the prevention or suppressing of fires, as the said board of trustees shall deem expedient; to compel the owners and occupants of houses and other buildings to have scuttles on the roofs of any such houses and buildings, and stairs and ladders leading to the same; to regulate the dimensions of chimnies, so as to admit chimney-sweeps to sweep and clean the same; to appoint watchmen, and prescribe their powers and duties; to authorise any magistrate, constable or other person, to stop any person riding or driving immoderately through or in any street of said village, or otherwise to prohibit such offences; to abate or remove any nuisances in any street, or on the lot or enclosure of any person or persons; to regulate the market and markets in said village; to regulate cartmen and cartage, truckmen and their charges; to appoint firemen to take the charge and management of the fire engines and apparatus thereunto belonging, under such regulations as they shall deem necessary, and remove the same firemen and appoint others in their stead; which firemen shall be exempt from serving as constables or as jurors out of the village, or in the militia, except in case of insurrection, invasion or other imminent danger, provided that the whole number of firemen in said village shall not exceed the number of forty at any one time; to authorise the president or any trustee or fire warden, to remove or keep away from the vicinity of

any fire, all idle and suspicious persons, during such fire; and to compel any person or persons to aid in the extinguishment thereof, or in the preservation of property exposed to the danger of such fire; to require the sheriff and his deputies, the watch and constables, to be aiding in the extinguishment of all fires, and in preventing goods from being purloined thereat, and in securing the same, subject to the orders of the president, or any trustee present at such fire; to require the inhabitants of said village respectively to provide such and so many fire buckets, in such manner and time as they shall prescribe, and to regulate the use of them in times of fire; to regulate and arrange with uniformity such buildings as shall from time to time be erected in said village; to direct the paving or flagging of any of the streets of said village, within the compact parts thereof, by or at the expense of the owners or occupants of houses and lots fronting on such streets, in proportion to the width of their respective lots so fronting on said street; to regulate the assize and quality of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto; to prevent the incumbering of the streets, sidewalks, lanes and alleys, with wheel-barrow, carriages, carts, lumber, stone or any other materials whatsoever; to restrain the running at large of cattle, horses and swine, and at their discretion to compel the sweeping or cleaning of chimnies, and to prevent chimney sweeps, unless licensed as they shall direct, from sweeping or cleaning of chimnies; to restrain all vagrants, mendicants, street beggars, or persons soliciting arms or subscriptions for any purpose whatever, and all persons from harboring them without giving previous notice thereof to a member of the board of trustees; to light the streets of said village; to regulate the pumps and wells in the streets of said village, and to prevent the unnecessary waste of water, which may be needed for the use of the inhabitants of said village; to establish and regulate one or more public pounds in said village; to survey the boundaries of said village; to prevent and remove encroachments upon streets and alleys within the said village; to prevent and restrain any riot, rout, noise, disturbance or disorderly assemblages in any street or place in said village; to regulate the vending of meat and vegetables in said village, and generally to make all such rules, regulations, by-laws and ordinances for the good government and order of said village as they may deem expedient, not repugnant to the constitution or laws of this state, and to enforce the due observance thereof by inflicting penalties on any citizen or inhabitant thereof, or other person or persons, for the violation of any by-laws of said board of trustees, not exceeding twenty-five dollars for any one offence, recoverable with costs, in an action of debt, by and in the name and for the use of the trustees of said village, before any justice of the peace of the county of Oneida, in which action the first process may be by warrant, and there shall be no stay of execution after judgment, upon any pretence whatever, nor shall any exemption be allowed thereupon, and in which action it shall be lawful to declare generally, in debt, for such penalty, and give the special matter in evidence: *And further*, that for the purpose of enforcing the by-laws of the said trustees against offenders who have no goods or chattels, lands or tenements, whereof such penalties can be collected, it shall be lawful for the court of justice, before whom any such offender shall

Authority
continued.

May punish
offenders.

be duly convicted, to cause him to be imprisoned for a term not exceeding thirty days in the common gaol of the county of Oneida; and that all fees and expences of prosecuting and punishing offenders under the said by-laws shall be defrayed by the said trustees.

Witnesses &
jurors.

XVI. *And be it further enacted*, That upon the trial of any issue, or upon the taking or making of any inquisition, or upon the judicial investigation of any facts whatever, to which issue, inquest or investigation, the trustees of the village are a party, or in which they are interested, no person shall be deemed an incompetent judge, justice, witness or juror, by reason of his being an inhabitant, freeholder or freeman, of the said village; and that if any person shall be sued or impleaded, by reason of any thing done by virtue of this act, it shall be lawful for such person to plead the general issue, and give this act and the special matter in evidence at the trial.

Money to be
raised.

XVII. *And be it further enacted*, That the said board of trustees shall and may, from year to year, cause a sum not exceeding the sum of one thousand five hundred dollars to be raised by tax, to defray the expenses of lighting the streets of said village, supporting a night watch therein, and for defraying the expense of any local improvement, and to defray the contingent expenses in said village, which may be necessary, to be rated and assessed upon the estates, in said village, real and personal, among the owners and occupants, in a just and equitable manner, in proportion as nearly as may be to the advantages and security which each shall be deemed to acquire thereby, in the same manner as the taxes of the county of Oneida are to be assessed; which money, so to be assessed as aforesaid, shall be collected in the same manner as the taxes of said county are collected, by the collector or collectors of said village, by virtue of a warrant signed by the president of said village, under the common seal of said village, and paid into the hands of the treasurer of said village, to be subject to the order of the board of trustees: *Provided*, no assessment be made on any vacant lot, owned by a non-resident, for the expense of lamps or lighting the same.

How assessed

May lay out
& regulate
streets, &c.]

XVIII. *And be it further enacted*, That it shall be lawful for the said board of trustees to lay out, make and open any street, alley, road or highway, in any part of said village, and to cause any street, alley, road or highway, already laid out in any compact part of said village, to be opened or altered, whenever and as often as they shall judge the public good requires the same to be done: *And provided*, such street, alley, road or highway, shall not be laid out or altered so as to run across or over the site of any house or building erected before the same street, alley, road or highway shall be by them so laid out or altered; also to cause common sewers, drains and vaults to be made in any part of the said village; and to order and direct the pitching, levelling, raising, repairing, amending, cleaning and paving any of the streets, alleys, roads or highways, within the said village; and to cause to be made estimates of the expense of conforming to such regulations, and a just and equitable assessment thereof among the owners, occupants and others, interested in all the houses and lots intended to be benefited thereby, in proportion as nearly as may be to the advantages which each shall be deemed to acquire; and the said board of trustees shall appoint five disinterested freeholders of the said village, to make every such estimate and assess-

ment, who, before they enter upon the execution of their trust, shall be duly sworn, before a justice of the peace of the county of Oneida, to make the said estimate and assessment fairly and impartially, according to the best of their skill and judgment; and a certificate in writing of such estimate and assessment being returned to the said board of trustees, and ratified by them, shall be binding and conclusive upon the owners, occupants and others interested in such houses and lots, so to be assessed respectively; and such owners and occupants, and others interested in such houses and lots, shall also respectively, on demand, pay to such persons as shall be authorised by said board of trustees to receive the same, the sum at which such house or lot shall be assessed, to be applied towards the making, altering, amending, pitching, paving, cleaning and scouring such streets, roads, highways or alleys, and making and repairing such vaults and sewers as aforesaid; and in default of such payment, or any part thereof, it shall be lawful for the said board of trustees of said village, by warrant, under the seal of the village, to levy the same by distress and sale of the goods and chattels of such owner, occupant, or other person interested therein, refusing or neglecting to pay the same, rendering the overplus, (if any) after deducting the charges of such distress and sale, to such owner, occupant or other person interested therein, or his or her legal representatives: *Provided always*, that nothing in this act contained shall affect any agreement between any landlord and tenant, respecting the payment of any such charges; but they shall be answerable to each other in the same manner as if this act had never passed: *And further*, that if any money, so to be assessed, shall be paid by any person, when by agreement or by law the same ought to have been borne or paid by some other person, then it shall be lawful for the person paying the same, to sue for and recover the same, with interest and costs of suit, in any court having cognizance thereof, as so much money paid for the use of the person who ought to have paid the same; and the assessment aforesaid, with proof of payment, shall be conclusive evidence in such suit: *And provided further*, that it shall be lawful for any person, who may conceive himself aggrieved by any act or acts of the said trustees or assessors, by virtue of this section, to appeal therefrom at the next court of common pleas to be held in and for the said county of Oneida; and that in case of such appeal and due notice thereof, with the reasons to be given by the appellant to the said trustees, to make a full return of the facts and circumstances relative to such act or acts, and the principles wherein the same is or are founded, to such court of common pleas, whose duty it shall be to hear and examine the allegations of the parties touching the premises, and to make such order thereupon as such court shall deem equitable, which order shall be conclusive and final.

May appeal.

XIX. *And be it further enacted*, That in case any estimate or assessment as aforesaid, shall not have been complied with, and the sums thereby assessed shall not have been paid, it shall be lawful for the board of trustees to cause the same to be advertised in one or more of the public newspapers, printed in the said village, for six months, thereby requiring the owners of such lots respectively, to pay the sum at which the said lots shall be assessed, to the treasurer of the said village; and that if default shall be made in such pay-

It's may
hold if assess-
ments not
paid.

ment, such lot will be sold at public auction, at a day and place therein to be specified, for the lowest term of years at which any person shall offer to take the same, in consideration of advancing the sum assessed on the same, for the expense aforesaid, with the interest thereof; and if notwithstanding such notice and demand, the owner or owners shall refuse or neglect to pay such assessment, with the charge of appraisal and advertisement, and the interest as aforesaid, then it shall be lawful for the said board of trustees to cause the said lot to be sold at public auction, for a term of years, for the purpose and in the manner expressed in the said advertisement, and to give a declaration of such sale to the purchaser thereof, under the common seal of said village; and such purchaser, his executors, administrators and assigns, shall, by virtue thereof and of this act, lawfully hold and enjoy the same, for his and their own proper use, against the owner or owners thereof, and all claiming under them, until his term shall be complete and ended, being at liberty to remove all the buildings and materials which he or she shall erect or place thereon, but leaving the ground with sufficient fence, and with the street or streets fronting the same in the order required by the said regulations.

A further assessment.

XX. *And be it further enacted*, That if upon the completion of any such regulation as aforesaid, it shall appear to the board of trustees of said village, a greater sum of money has been bona fide expended in making such regulation than the sum estimated and collected as aforesaid, it shall then be lawful for the said board of trustees to cause a further assessment, equal to such excess, to be made and collected in manner aforesaid: *And further*, that in case the sum actually expended shall be less than the sum expressed in the said estimate, and collected as aforesaid, the surplus shall be forthwith returned to the persons from whom the same were collected, or their legal representatives.

Assessment to remain a lien until paid.

XXI. *And be it further enacted*, That the amount and estimate of every assessment, shall be and remain a lien on the lot or lots so assessed, from the time of the completion and return of such estimate, in manner aforesaid, until paid or until otherwise satisfied; and that it shall be lawful for the said board of trustees, instead of the remedies herein above provided, if they shall see fit, in case any owner, occupant or other person interested, in any house and lots within the said village, shall neglect or refuse to conform his lot to such regulations as aforesaid, to conform the same to such regulations at their own expense, and to sue for and recover the amount of that expense from the owners, occupants or other persons interested in said lots, or their legal representatives, with interest and costs, in any court within this state having cognizance thereof, in an action on the case, for such money by them paid, laid out and expended, for such owners, occupants or other persons interested therein; and the said estimate or assessment, with the proof of the amount and payment of the said expense, shall be conclusive evidence for the plaintiffs in every such action.

May alter & open streets.

XXII. *And be it further enacted*, That if in the opinion of said board of trustees, the public interest of said village requires that any street or alley in said village should be altered, by widening or altering the course of the same, or that any new street should be laid on

and opened in said village, that the land of any person or persons, on which no building is then erected, is necessary to be taken for either of said purposes, the said board of trustees shall have power to alter, or lay out and open any such streets, and shall give notice of their intention to take such land and appropriate it for such streets, to the persons interested therein, or to his or their agent or legal representatives; and the said board of trustees shall treat with such person for the same; and if any such person shall refuse to treat for such ground, or other real estate, with the appurtenances, or the board of trustees cannot agree with such person for the same, it shall be lawful for the president, and any two or more trustees, by a precept under their hand and seal, to command any constable of the said village to impanel and return a jury of twelve freeholders of said village, to appear before the president of said village within six days from the day of the date of said precept, to enquire and assess the damages and recompense due to the owner or owners of said ground, or other real estate, with the appurtenances; at the same time to summon the owner or owners of such ground, or other real estate, and the appurtenances, or his or their agent or legal representatives, by written notice to be left at his, her or their most usual place of abode, to appear before said president and jury, on the day and at the place in such precept to be specified; which jury being duly sworn, faithfully and impartially to inquire into and assess the damages in question, and having viewed the premises, (if necessary) shall enquire of and assess such damages and recompense, as they shall, under all the circumstances, judge fit to be awarded to the owner or owners of such ground, or other real estate or appurtenances, for their respective losses, according to their several interests and estates therein, and the verdict of such jury, and the judgment of the said president thereon, and the payment of the sum of money so awarded and adjudged to the owner or owners thereof, or tender, or refusal thereof, shall be conclusive and binding against the said owner or owners, his, her or their respective heirs, executors, administrators and assigns, claiming any estate or interest of, in or to the same ground, or other real estate and appurtenances; but the said board of trustees shall not be allowed to take possession or appropriate any such land, until after the payment of the money so awarded as aforesaid; and in order to provide for the payment thereof, the said board of trustees shall cause the same to be assessed upon the owners and occupants of lots intended to be benefited by such improvement, and collected in the same manner in which estimates and assessments are directed to be made and collected in and by the eighteenth section of this act; and on the payment of the same money, so awarded as aforesaid, it shall thereupon be lawful for the said board of trustees of said village, to cause the same land to be converted to and used for the purposes aforesaid: *Provided however*, that any person aggrieved by any assessment made under this section of this act, shall have a right to appeal to three disinterested commissioners, to be appointed by the supreme court of this state.

To assess
damages.

Provide.

XXIII. *And be it further enacted*, That where any known owner or party residing in the said village, or elsewhere, shall be an infant, and any proceedings shall be had under the twenty-second section of this act, it shall be lawful for the court of common pleas of

Court to appoint guardians for infants.

the county of Oneida, upon application to them by the board of trustees of the said village, or by such minor, to appoint a guardian for such infant, taking security from such guardian, for the faithful execution of his trust; and every subsequent notice and summons under the said section, shall be made and served on such guardian, instead of such infant: And it shall be the duty of such guardian to appear in said court and to protect the right and interest of said infant.

President,
&c. to have
salaries.

XXIV. *And be it further enacted*, That it shall and may be lawful for the board of trustees of the said village, to give and to grant unto the president thereof, for the time being, in lieu of all fees and perquisites, such salary per annum, not exceeding the sum of two hundred and fifty dollars, as such board of trustees may direct, payable out of the treasury of said village, quarter yearly; and thereupon all sums of money payable to the said president for his services, shall be paid into the treasury of the said village, for the use thereof; and the treasurer, clerk and collector or collectors of said village, shall also be paid out of said treasury such compensation for their services, as the board of trustees shall deem reasonable and proper.

Treasurer,
&c. to give
bonds.

XXV. *And be it further enacted*, That the treasurer and collector, or collectors, and constables of said village, before they enter upon the duties of their respective offices, shall severally execute their bonds to the trustees of said village, in such sums, and with such sureties, as the board of trustees shall approve, conditioned that they shall faithfully execute the duties of their respective offices; and all the judicial and ministerial officers of said village, shall respectively, before they enter upon the execution of their respective offices, take and subscribe before one of the magistrates residing in said village, the oaths directed to be taken by judicial and ministerial officers respectively, in and by the third and ninth sections of an act, entitled "an act concerning oaths," and cause a certificate of the oath so taken to be filed in the office of the clerk of said village, within eight days after the taking and subscribing the same.

Assessments,
how paid.

XXVI. *And be it further enacted*, That the assessment to work on the highways, directed to be made by the commissioners of highways, in and by the act, entitled "an act to regulate highways," shall, in the said village of Utica, be paid in money, instead of work on the highways, at the rate of sixty-two and a half cents for each day's work assessed; which assessment the commissioners of highways of said village may make out, and the same shall be collected of the several persons assessed by the collector or collectors of said village, by virtue of a warrant to be issued by the board of trustees of said village, under the seal of the same, in the same manner as taxes are by this act directed to be collected, and paid to the treasurer of said village, to be expended in making and keeping in repair the highways, bridges and roads of said village, in such manner as the same commissioners shall judge most beneficial to the public; which highways, roads and bridges, it is hereby made the duty of said commissioners to make and keep in repair; and that the said village of Utica shall, for all the purposes contemplated by the act, entitled "an act to regulate highways," and the act, entitled "an act for the assessment and collection of taxes," and the act, en-

lised "an act for regulating elections," and the act, entitled "an act for the better establishment of common schools," and in all respects not otherwise provided for, and directed by this act, be considered as a town: and the duties required of the clerks of the city of New-York, Albany, Hudson, Schenectady and Troy, respectively, by the sixth section of said act, entitled "an act for the assessment and collection of taxes," shall be performed by the clerk of the village of Utica: *And further*, that all elections to be held within the said village of Utica as a town, under and by virtue of the aforesaid act, entitled "an act for regulating elections," the supervisors, assessors and clerk of the said village, for the time being, shall be the inspectors of such elections, and shall, as such inspectors, conform in all things to the directions contained in said last mentioned act.

Clerks duties

XXVII. *And be it further enacted*, That out of the school monies apportioned from time to time to the county of Oneida, according to the provisions of the act for the better establishment of common schools, the village of Utica shall have its proportion with the towns of said county, which money shall be paid by the treasurer of said county to the treasurer of the said village of Utica, and shall be expended by the board of trustees of said village, for the support of a free school in said village, for the education of such poor children residing in said village as shall, in the opinion of said board of trustees, be entitled to gratuitous education: *Provided always*, That the board of trustees of said village shall account annually to the treasurer of said county for the faithful application of such money, according to the true intent and meaning of this act.

School monies

XXVIII. *And be it further enacted*, That all the real and personal property belonging to the twelfth school district of the town of Whitestown, (which is co-extensive with the village of Utica) or which is held in trust or for the use of said school district, shall be and hereby is declared to be vested in the trustees of said village, in trust for said free school, and shall forever hereafter be held in trust for said free school.

XXIX. *And be it further enacted*, That the board of trustees of said village, or a majority of them, may annually in every year hereafter, cause to be raised and levied on the inhabitants of the said village, such sum of money, not exceeding one hundred dollars, as shall, in the opinion of said president and trustees, or a majority of them, be sufficient to keep the school house, erected for such free school, in repair, and to purchase fuel and other appendages for said school, which sum shall be collected in addition to the sums herein before authorised to be raised in said village, by adding to the tax assessed on each inhabitant, his due proportion according to the last previous assessment of the real and personal estate of the said inhabitants respectively; which sum, so added, shall be collected by the collector of said village, as the other taxes are herein before directed to be collected in said village.

100 dollars may be raised for free school.

XXX. *And be it further enacted*, That from and after the passing of this act, all that part of the town of Whitestown, within the limits of the village of Utica, as described in this act, shall be, and hereby is erected into a separate town by the name of Utica.

Town of Utica.

XXXI. *And be it further enacted*, That this act shall be a public act, and shall be construed in all courts and places favorably for every beneficial purpose therein intended.

CHAP. CXCIH.

AN ACT to amend the act, entitled "*an act to vest certain powers in the free-holders and inhabitants of the village of Montgomery, in the county of Orange,*" passed February 17, 1810.

Passed April 11, 1817.

Witnesses. I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That any justice of the peace of the county of Orange, residing in the said village of Montgomery, any freeholder or inhabitant of said village, shall be and hereby are declared competent, respectively, to give testimony in any cause wherein the said trustees are parties, notwithstanding any remote interest they may have in the event of such suit, as members of the corporation of said village.

Lots may be sold for taxes.

II. *And be it further enacted*, That in case any tax, assessed upon the owner of any real estate lying in said village, cannot be collected by distress of personal property in possession of the occupant, or in case no person shall be in the occupation of such real estate, then it shall be lawful for the said trustees, and their successors, or a major part of them, to cause so much of the real estate, so charged with said tax, as they may deem sufficient therefor, to be sold at public vendue, within said village, for the lowest term of time that any person or persons shall offer to take the same, in consideration of advancing the sum assessed, and the expenses of such assessment and sale, giving one month's notice thereof in one of the newspapers printed in the said county of Orange, (if any) and in the paper printed by the printer of this state; and to execute to the purchaser or purchasers thereof a sufficient conveyance for the same; and the said purchaser or purchasers, his, her or their heirs, executors, administrators or assigns, shall and may by virtue thereof, and of this act, lawfully hold and enjoy the same, for his, her or their own proper use and benefit, against the owner or owners thereof, and all persons claiming under him, her or them, until his, her or their term shall be fully completed and ended, being at liberty to remove all the buildings and improvements which he, she or they may erect or place thereon: *Provided*, the same be removed within a reasonable time after the termination of said term.

Proviso.

May open & lay out streets.

III. *And be it further enacted*, That whenever the said trustees, or a major part of them, shall deem it necessary or proper, it shall be lawful for them to lay out, open or widen any street or alley within the said village, or to remove any building, erection or obstruction, for the improvement of any street or alley already laid out or opened, without being considered as trespassers; and if the said trustees, or a major part of them, cannot agree on the value of the lands so taken in the laying out, opening or widening of any street or alley, as aforesaid, or of any building, erection or obstruction so removed

as aforesaid, with the owner or owners thereof, the same shall be determined and the true value set, and approved by the oath of three freeholders, not inhabitants of said village, who shall be summoned by a constable of the county of Orange, by virtue of a warrant from the president of the said trustees; and said constable shall attend and swear the said freeholders, and sit with them upon hearing the parties, and shall swear the witnesses, but shall not be present with the said freeholders, or give his vote with them, in assessing or making the valuation as aforesaid; and the said freeholders, in making such valuation, shall take into consideration the advantages as well as the disadvantages of such improvement or alteration, and shall only estimate and assess the injury or damage actually sustained thereby, after weighing the advantages and disadvantages as aforesaid, and within three days after such hearing, the said freeholders, or any two of them, shall make such valuation in writing, and shall deliver a copy thereof to each of the parties; and in all cases of such laying out, opening or widening of streets or alleys, or removals of buildings, erections or obstructions aforesaid, the value of the lands or damages, whether agreed on between the parties or assessed by the freeholders, as aforesaid, shall be levied as a tax by the trustees, on the inhabitants and freeholders of said village, without calling a meeting of said freeholders and inhabitants, and shall be assessed and collected in the same manner as the other taxes of the village, and all the charges and expenses of making the said valuations shall be borne by the said corporation.

Damages as-
Praised.

Tax.

IV. *And be it further enacted*, That it shall and may be lawful for the said trustees to provide and keep a pound within said village, and to appoint a pound master, who shall hold his office during their pleasure; and it shall be lawful for the said trustees to make such regulations relative to the said pound, and impose such charges upon the creatures so impounded therein, exclusive of damages, as they shall deem necessary and proper; and if the owner of any creature or creatures impounded shall not pay the damages, (if any) for which said creature or creatures shall be so impounded, and the pound fees, with reasonable charges for feeding and keeping them, not exceeding three cents for every creature for twenty-four hours such creatures shall be impounded and fed, within six days after the same shall be impounded, then it shall be lawful for the pound master to sell such creature or creatures at public vendue, giving forty-eight hours notice of such sale by advertisement to be put up at the pound, and at three of the most public houses in the said village, and out of the monies arising from such sale to pay the said damages, and retain in his hands the pound fees, and charges of keeping and feeding said creature or creatures, and of such sale, and return the overplus to the owner of said creature or creatures; and if no owner shall appear and claim such overplus, within six calendar months after such sale, the same shall be paid to the said trustees for the use of said corporation.

Pound to be
kept.

Refusing to
take the of-
fee.

V. *And be it further enacted*, That if any person, who shall be appointed pound master, shall neglect or refuse to take upon him the duties of said office, and conform to the regulations of the trustees, within five days after notice of his appointment, he shall forfeit the

sum of five dollars, to be recovered by said trustees, for the use of the corporation, in the manner prescribed in and by the act hereby amended.

CHAP. CXCV.

AN ACT extending the time for the payment of certain loans.

Passed April 11, 1817.

BE it enacted by the people of the State of New-York, represented in senate and assembly, That the time for the re-payment of loans made out of the treasury of this state, to aid individuals or incorporated companies in carrying on any manufacturing business within this state, shall be and hereby is extended to all such as shall regularly pay up the interest on their loans respectively, until the first day of June, in the year one thousand eight hundred and twenty-three: *Provided*, that all such loans as were made at a less rate of interest than seven per cent. per annum, shall, from and after the time they became, or may become due, bear interest at and after the rate of seven per centum per annum: *and provided also*, that this act shall not be construed to extend the time for the repayment of such loans as were not applied to the objects contemplated by the legislature in the acts authorising the loans, nor to extend the time for the repayment of any loan, which the attorney general and comptroller shall have reason to believe may not be well secured: *Provided*, and this act is upon the express condition, that the credit hereby given shall not be continued to any individual or company, unless such individual or company shall in each year obtain a certificate, signed by three of the judges of the court of common pleas in the county, not interested in such loan, in which they reside or carry on their business, that the debt due from them is well secured to the state, and file such certificate with the comptroller.

CHAP. CXCV.

AN ACT relative to the running of stages.

Passed April 11, 1817.

I. BE it enacted by the people of the state of New-York, represented in senate and assembly, That no owner or owners of any stage-coach, waggon or sleigh, running or travelling upon any road in this state, for the conveyance of passengers, shall hereafter employ or continue in employment any person or persons to drive such stage, who is or are addicted to drunkenness, or the excessive use of ardent spirits, or any spirituous liquor whatever; and if the owner or owners of any stage so running as aforesaid, shall employ or continue in his or their employment any person or persons to drive such stage, contrary to the true intent and meaning of this act, he shall forfeit and pay to the people of this state, for each and every month he or they shall continue in employment any such driver as aforesaid,

at and after the rate of one hundred dollars, with costs, to be sued for and recovered in any court having cognizance of the same, in an action of debt, to be brought in the name of the said people, by the district attorney in and for the district in which such offence shall happen; and it is hereby made the duty of the several district attorneys within this state to prosecute the offender or offenders for the amount of the said penalty, upon the reasonable complaint of any person or persons, and to account for all monies he may recover in any such action to the comptroller of this state.

II. *And be it further enacted*, That no person hereafter driving such stage-coach, waggon or sleigh as aforesaid, upon any public highway in this state, with any passenger or passengers in such stage-coach, waggon or sleigh, shall run his horses to pass or prevent being passed by any other such stage-coach, waggon or sleigh as aforesaid, or any other waggon or sleigh, or on any other occasion, or for any other purpose; and every person who shall be guilty of an offence against the provisions of this section of this act, shall for every such offence forfeit and pay the sum of five dollars, to be recovered with costs of suit, in an action of debt, before any justice of the peace, by any person who will sue for the same.

III. *And be it further enacted*, That it shall not be lawful for any owner or owners of any line of stages, that may have commenced, or may hereafter commence running on any road in this state, to exact or receive from any passengers more than seven cents per mile for each passenger.

CHAP. CXCVI.

AN ACT *relative to the navigation of the Hudson river, between Troy and Waterford.*

Passed April 11, 1817.

I. *Be it enacted by the people of the State of New-York, represented in senate and assembly*, That it shall be and hereby is made the duty of the acting commissioners for the improvement of the navigation of the Hudson's river, between the city of Troy and the village of Waterford, to alter or remove the dams and works, erected in the said river, in such manner as the commissioners hereafter named in this act, or a majority of them, shall determine to be necessary, in order as well to prevent any further obstruction to the channel or navigation of the said river, below the said works, as injury to individuals, and that the same be done with all convenient speed, after such determination shall be made and delivered to them, or either of them, in writing, under the hands of the said last mentioned commissioners, or a majority of them; and that they conform to such further directions in relation to the said dams and works as may be so as aforesaid given to them, by the said commissioners, or a majority of them.

Commissioners' duty.

And whereas it is not only proper and expedient to prevent as much as possible, any injury to the navigation of said river, below the said dams, by the increased rapidity of the current, or the depo-

be duly convicted, to cause him to be imprisoned for a term not exceeding thirty days in the common gaol of the county of Oneida; and that all fees and expences of prosecuting and punishing offenders under the said by-laws shall be defrayed by the said trustees.

Witnesses &
jurors.

XVI. *And be it further enacted*, That upon the trial of any issue, or upon the taking or making of any inquisition, or upon the judicial investigation of any facts whatever, to which issue, inquest or investigation, the trustees of the village are a party, or in which they are interested, no person shall be deemed an incompetent judge, justice, witness or juror, by reason of his being an inhabitant, freeholder or freeman, of the said village; and that if any person shall be sued or impleaded, by reason of any thing done by virtue of this act, it shall be lawful for such person to plead the general issue, and give this act and the special matter in evidence at the trial.

Money to be
raised.

XVII. *And be it further enacted*, That the said board of trustees shall and may, from year to year, cause a sum not exceeding the sum of one thousand five hundred dollars to be raised by tax, to defray the expenses of lighting the streets of said village, supporting a night watch therein, and for defraying the expense of any local improvement, and to defray the contingent expenses in said village, which may be necessary, to be rated and assessed upon the estates, in said village, real and personal, among the owners and occupants, in a just and equitable manner, in proportion as nearly as may be to the advantages and security which each shall be deemed to acquire thereby, in the same manner as the taxes of the county of Oneida are to be assessed; which money, so to be assessed as aforesaid, shall be collected in the same manner as the taxes of said county are collected, by the collector or collectors of said village, by virtue of a warrant signed by the president of said village, under the common seal of said village, and paid into the hands of the treasurer of said village, to be subject to the order of the board of trustees: *Provided*, no assessment be made on any vacant lot, owned by a non-resident, for the expense of lamps or lighting the same.

How assessed

May lay out
& regulate
streets, &c.

XVIII. *And be it further enacted*, That it shall be lawful for the said board of trustees to lay out, make and open any street, alley, road or highway, in any part of said village, and to cause any street, alley, road or highway, already laid out in any compact part of said village, to be opened or altered, whenever and as often as they shall judge the public good requires the same to be done: *And provided*, such street, alley, road or highway, shall not be laid out or altered so as to run across or over the site of any house or building erected before the same street, alley, road or highway shall be by them so laid out or altered; also to cause common sewers, drains and vaults to be made in any part of the said village; and to order and direct the pitching, levelling, raising, repairing, amending, cleaning and paving any of the streets, alleys, roads or highways, within the said village; and to cause to be made estimates of the expense of conforming to such regulations, and a just and equitable assessment thereof among the owners, occupants and others, interested in all the houses and lots intended to be benefited thereby, in proportion as nearly as may be to the advantages which each shall be deemed to acquire; and the said board of trustees shall appoint five disinterested freeholders of the said village, to make every such estimate and assess-

ment, who, before they enter upon the execution of their trust, shall be duly sworn, before a justice of the peace of the county of Oneida, to make the said estimate and assessment fairly and impartially, according to the best of their skill and judgment; and a certificate in writing of such estimate and assessment being returned to the said board of trustees, and ratified by them, shall be binding and conclusive upon the owners, occupants and others interested in such houses and lots, so to be assessed respectively; and such owners and occupants, and others interested in such houses and lots, shall also respectively, on demand, pay to such persons as shall be authorised by said board of trustees to receive the same, the sum at which such house or lot shall be assessed, to be applied towards the making, altering, amending, pitching, paving, cleaning and scouring such streets, roads, highways or alleys, and making and repairing such vaults and sewers as aforesaid; and in default of such payment, or any part thereof, it shall be lawful for the said board of trustees of said village, by warrant, under the seal of the village, to levy the same by distress and sale of the goods and chattels of such owner, occupant, or other person interested therein, refusing or neglecting to pay the same, rendering the overplus, (if any) after deducting the charges of such distress and sale, to such owner, occupant or other person interested therein, or his or her legal representatives: *Provided always*, that nothing in this act contained shall affect any agreement between any landlord and tenant, respecting the payment of any such charges; but they shall be answerable to each other in the same manner as if this act had never passed: *And further*, that if any money, so to be assessed, shall be paid by any person, when by agreement or by law the same ought to have been borne or paid by some other person, then it shall be lawful for the person paying the same, to sue for and recover the same, with interest and costs of suit, in any court having cognizance thereof, as so much money paid for the use of the person who ought to have paid the same; and the assessment aforesaid, with proof of payment, shall be conclusive evidence in such suit: *And provided further*, that it shall be lawful for any person, who may conceive himself aggrieved by any act or acts of the said trustees or assessors, by virtue of this section, to appeal therefrom at the next court of common pleas to be held in and for the said county of Oneida; and that in case of such appeal and due notice thereof, with the reasons to be given by the appellant to the said trustees, to make a full return of the facts and circumstances relative to such act or acts, and the principles wherein the same is or are founded, to such court of common pleas, whose duty it shall be to hear and examine the allegations of the parties touching the premises, and to make such order thereupon as such court shall deem equitable, which order shall be conclusive and final.

May appeal,

XIX. *And be it further enacted*, That in case any estimate or assessment as aforesaid, shall not have been complied with, and the sums thereby assessed shall not have been paid, it shall be lawful for the board of trustees to cause the same to be advertised in one or more of the public newspapers, printed in the said village, for six months, thereby requiring the owners of such lots respectively, to pay the sum at which the said lots shall be assessed, to the treasurer of the said village; and that if default shall be made in such pay-

Lots may
sold if assess-
ments, not
paid.

Gardow reservation, as the same are described and bounded in such conveyance, be and the same is hereby declared to be ratified and confirmed.

CHAP. CXCVIII.

AN ACT to amend the act, entitled "*an act relative to the pilots of the port of New-York.*"

Passed April 11, 1817.

BE it enacted by the people of the state of New-York, represented in senate and assembly, That the wardens and pilots of the port of the city of New-York, shall not exact or receive from the subjects of the united kingdom of Great Britain, any other or greater fees than they are authorised to exact and receive from the citizens of the United States, for any services they may be called upon to perform under or by virtue of the said act: *Provided,* that the intercourse between this state and his Britannic majesty's possessions in the West Indies, and on the continent of North America, shall be in no wise affected by this act.

CHAP. CXCIX.

AN ACT to incorporate the Oppenheim and Minden bridge company, and for other purposes.

Passed April 11, 1817.

I. BE it enacted by the people of the state of New-York, represented in senate and assembly, That David Fox, Jacob Markell, Peter C. Fox, Augustus Deifendorf, Jacob A. Keller and Peter Lampman, and their present and future associates, their successors and assigns, be and they are hereby created a body corporate and politic, for the term of forty years, by the name of "the president and directors of the Oppenheim and Minden Bridge company," for the purpose of erecting a bridge over the Mohawk river, at a place where said river divides the farms in the occupation of James Cochran and John Snyder, the former in the town of Oppenheim, and the latter in the town of Minden, in the county of Montgomery; and the said bridge shall be so constructed as not to impede the present or future navigation of said river; and they are hereby ordained, constituted and declared to be a body politic and corporate, in fact and in name, for the term aforesaid, and by that name they and their successors shall and may have succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of suits and actions whatsoever; and that they and their successors shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the public use of the said corporation: *Provided,*

Associates.

Declared a
body corporate.

Privileges:

that the whole of the estate of the said corporation shall not exceed five thousand dollars.

II. *And be it further enacted*, That the stock, property affairs and concerns of the said corporation, and the manner of obtaining subscriptions thereto, shall be managed, conducted and directed by five directors, who shall be stockholders, and shall, together with a treasurer, be annually chosen and elected on the first Tuesday of May in each year, and at such place as the directors for the time being shall appoint, of which notice shall be given in a newspaper printed in the county of Montgomery, or if there shall be no paper printed in the said county, then in one of the newspapers printed in the city of Albany, at least thirty days before the day of meeting: that all elections for treasurer and directors shall be by ballot, and such persons who shall at any such election have the greatest number of votes as treasurer, shall be treasurer, and in like manner, such five person who shall have the greatest number of votes at such election as directors, shall be directors, and shall hold their respective offices for one year; and until others shall be chosen in their places; that if any vacancies shall happen among the directors, by death, resignation or otherwise, such vacancies shall be filled up for the remainder of the year in, which they shall happen, by the appointment of the other directors for the time being, or a majority of them; and that the first directors shall be Jacob Markell, Peter C. Fox, Peter Lampman, Jacob A. Keller and Augustus Deiffendorf; and that David Fox be the first treasurer, who shall hold their respective offices until the first Tuesday of May, in the year of our Lord one thousand eight hundred and eighteen, and until others shall be chosen to succeed them; and that the said directors shall at their first meeting after such election, appoint one of their number president.

Vacancies
how filled.

First Direct-
ors,

III. *And be it further enacted*, That the number of shares or subscriptions constituting the stock or fund of the said corporation, shall not exceed four hundred and fifty shares, that each share shall be thirty dollars, to be paid on the requisition of the president and directors, in such proportions, at such periods, and after such notice as they shall direct and appoint, upon pain or forfeiture of such share, and all previous payments, if such requisition shall not be complied with within forty days after the time appointed for that purpose; that each stockholder shall be entitled to a number of votes proportioned to the number of shares which he or she shall have or hold in his or her name, according to the following ratio, that is to say, every owner of one or more shares, to the number of six, shall have one vote for each share, and every two shares above six, and under fourteen, one vote, and for every three shares above fourteen, and under twenty, one vote, and one vote for every five shares above twenty.

Ambient of
stock.

Elections.

IV. *And be it further enacted*, That the president and directors for the time being, or a majority of them, shall have the disposition of the funds of said corporation, to and for the uses aforesaid, and shall annually on the first Tuesday of May, lay before the stockholders of the said corporation, a general statement of their accounts and proceedings; it shall be the duty of the president and directors to lodge with the treasurer, at least ten days previous to such

Directors
their duties.

annual meetings, such statement for the inspection and examination of the stockholders; and the president and directors for the time being, or the major part of them, shall have power to make and prescribe such rules and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property and estate of the said corporation, and touching the duties and conduct of their treasurer, secretary, clerks, agents and servants employed therein, and touching all such matters as appertain to the said corporation, with power to appoint such and so many workmen, clerks and servants, for the erecting and building of the said bridge, as they may deem necessary.

Corporation
may be dis-
solved.

V. *And be it further enacted*, That in case the said bridge shall not be erected, built and completed on or before the first day of December, in the year of our Lord one thousand eight hundred and twenty, then and in such case, the corporation by this act created, shall be adjudged and considered as dissolved.

Tolls.

VI. *And be it further enacted*, That as soon as the said bridge shall be completed, and any three of the judges of the court of common pleas, in and for the county of Montgomery, or a majority of them, shall, upon inspection, certify under their hands that the said bridge is well and sufficiently constructed and built, and will admit of the passage of loaded waggons and other carriages, it shall and may be lawful for the said president and directors, to erect a gate on either side of the river, at the end of said bridge, and demand, receive and take, for the use of the said corporation, a toll not exceeding the following rates, to wit: For every four wheel pleasure carriage drawn by two horses, nineteen cents, if drawn by four horses twenty-five cents; every two wheel pleasure carriage drawn by one horse, nine cents, and if drawn by two horses, twelve and an half cents; every waggon and two horses twelve and an half cents, and if drawn by four horses, nineteen cents; each sled drawn by two horses or two oxen, six cents; each waggon or cart drawn by two oxen, twelve and an half cents, and each additional yoke of oxen, six cents; every one horse cart, six cents; every man and horse, six cents; every foot passenger, two cents; every horse, jack or mule, three cents; every score of neat cattle, ten cents, and in that proportion for a greater or less number; every score of sheep or hogs, ten cents, and so in proportion for a greater or less number: *Provided nevertheless*, that any troops in the service of the United States, or of this state, or of any other state, in time of war, and all waggons and other carriages with property of any kind belonging to them, or either of them, shall be permitted to pass the same toll free.

Who exempt
from toll.

Dividends.

VII. *And be it further enacted*, That the president and directors, on the first Tuesday of January next after the said bridge shall be completed, and shall have been certified by the said judges, in manner aforesaid, and yearly thereafter, shall make a dividend among the stockholders of the said corporation, of the production of the toll, previously deducting therefrom the amount of all monies by them expended in making, repairing and rebuilding the said bridge, and in the management of the concerns of the said corporation, giving previous notice of such dividend, in the public papers printed either in the county of Montgomery or the city of Albany, as is herein before directed.

VIII. *And be it further enacted*, That from and after the expiration of said term of forty years, the said bridge, with its appurtenances, shall become the property of and be vested in the people of this state. Duration.

IX. *And be it further enacted*, That if the said bridge, after the same shall be completed, shall at any time during the said term of forty years, be impassable for the term of thirty days, that the said corporation shall be and hereby the same is declared in such cases to be dissolved: *Provided nevertheless*, that no such dissolution shall take place by reason of the said bridge being carried away by the ice or freshet, if the said bridge shall be rebuilt within eighteen months thereafter.

X. *And be it further enacted*, That the said bridge shall not be less than twenty feet wide, and shall be well secured with a good and sufficient railing on each side of the same, not less than four feet high.

XI. *And be it further enacted*, That the limitation of ten years, in the first section of the act, entitled "an act relative to the Mohawk turnpike company," passed March 19, 1813, be done away, and that the said company shall have a right to take and receive the toll now authorised by law, until the happening of the event mentioned in the original act of incorporation, for the said corporation to receive. Provision repealed.

CHAP. CC.

AN ACT to amend an act, entitled "an act for draining the great marsh or swamp on the Canasara creek, in the towns of Sullivan and Lenox, in the county of Madison, and for other purposes," passed April 12th, 1816.

Passed April 11, 1817.

I. *BE it enacted by the people of the State of New-York, represented in senate and assembly*, That the person administering the government of this state be authorised to appoint three disinterested persons commissioners, to perform certain duties mentioned in the act hereby amended; and that it shall be the duty of the treasurer, mentioned in said act, to pay to the commissioners to be appointed by virtue of this act, the sum of two dollars and fifty cents per day, for each and every day they may be employed as directed by said act, out of any money he may receive by virtue of the act hereby amended.

II. *And be it further enacted*, That so much of the act hereby amended, as relates to the appointment of commissioners, be and the same hereby repealed.

CHAP. CCI.

AN ACT to incorporate the Pilots' charitable society.

Passed April 11, 1817.

Preamble.

WHEREAS John Mineugh, Robert Mitchell and certain other persons, have formed themselves into a society for the relief of distressed and decayed pilots, and of pilots' widows and children, by the name of the pilots' charitable society, and have prayed to be incorporated in order the better to promote the benevolent purposes of the said society—Therefore,

Body corporate.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly,* That such persons as now are or hereafter may become members of the aforesaid society, shall be and are hereby ordained, constituted and appointed a body corporate and politic, in fact and in name; by the name of "the pilots' charitable society;" and by that name they and their successors, shall and may forever hereafter have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, in all courts and places whatsoever, in all manner of action and actions, suits, matters, complaints and causes whatsoever; and that they and their successors may have a common seal, and may change and alter the same at their pleasure; and shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of the said society: *Provided always,* that such real and personal estate shall be only such as is necessary for the purposes of this incorporation, and shall not at any time exceed the annual value of three thousand dollars.

Proviso.

President.

II. *And be it further enacted,* That for the better carrying into execution the objects of the said society, there shall be a president, vice president, treasurer, secretary and five trustees, who shall hold their offices for one year, or until others shall be chosen in their room; and shall be elected on the first Monday of February in every year, or at such other time and at such place as the corporation shall from time to time appoint; and that every such election shall be by ballot, by a majority of the members present at every such meeting; and in case any vacancies shall happen in either of the said offices, by death, resignation or otherwise, such vacancies shall and may be filled up for the remainder of the year by the remaining trustees, by a by-law of the corporation.

III. *And be it further enacted,* That John Mineugh shall be the first president, and James Kelso the first vice president of the said society; and that Nathaniel Funk, Israel Navarro, Robert Mitchell, Thomas Bennett and David Mitchell, shall be the first trustees; Thomas Hope the first treasurer, and Peter Sawyer the first secretary, of the said society, who shall hold their offices respectively until the first Monday of February next, and until others shall be chosen in their room.

By-laws.

IV. *And be it further enacted,* That the said society shall have full power and authority to make such by-laws, rules and regulations, for the management of their funds for the purposes aforesaid, the admission of members, the holding of meetings, the annual

sum to be paid by the members, as may from time to time be deemed expedient: *Provided*, that such by-laws, rules and regulations shall not be repugnant to the constitution and laws of this state or of the United States.

V. *And be it further enacted*, That this act shall be deemed a public act, and shall be benignly and favorably construed for all the purposes therein expressed and declared, in all courts and places whatsoever. A public act

CHAP. CCII.

AN ACT to appoint commissioners to lay out a road from Canadaway, in the county of Chautauque, to the town of Perry, in the county of Genesee.

Passed April 11, 1817.

I. *BE it enacted by the people of the State of New-York, represented in senate and assembly*, That William Bristol, Seymour Kellogg and Elizur Webster, or any two of them, be and they are hereby appointed commissioners to lay out a public highway, of the width of four rods, from the village of Canadaway, in the county of Chautauque, on an easterly direction, to cross the Cattaraugus creek at or near Aldridge's, thence on the best and most eligible route to intersect the Allegany road, at or near Matthias Lemon's in the town of Perry, in the county of Genesee. Commissioners.

Route.

II. *And be it further enacted*, That the said commissioners, before they enter upon the duties aforesaid, shall take and subscribe an oath, before a justice of the peace, to lay out said road without favor or partiality; and they shall, after laying out said road, cause to be made an accurate map of the survey of so much of said road as shall fall within the county of Genesee, and cause the same, with the field notes of the survey, to be filed in the clerk's office of said county; and shall cause to be made a like map of the survey of so much of said road as shall fall within other counties, with the field notes thereof, to be filed in the clerks' offices of such counties respectively; and shall also cause a like map and field notes of so much of said road as shall fall within each town, to be filed in the clerks' offices of such towns respectively; and if the said road shall be laid through any improved lands, the damages shall be appraised and paid, and the road opened and improved in the same manner prescribed in the act to regulate highways; and the commissioners, and their surveyor, shall be allowed each two dollars and fifty cents per day for the time they shall be necessarily employed in the duties aforesaid, and such reasonable sum for contingent expenses as the supervisors shall direct; and if either of the said commissioners shall do and perform the duties of surveyor, he shall be allowed one dollar per day, in addition to his pay as commissioner as aforesaid. Commissioners to make oath.

Their duties

III. *And be it further enacted*, That the supervisors of the said counties, through which said road may pass, shall audit the account of the said commissioners, and cause the same to be assessed, collected and paid, as part of the contingent expenses of said county: *Provided*, that the sum paid by each county, shall be in proportion to the time expended in laying out said road in such county.

CHAP. CCIII.

AN ACT *relative to the gospel and school lot in the town of Eastern, in the county of Chenango.*

Passed April 11, 1817.

WHEREAS it has been represented, that a certain lot of land, containing one mile square, known by lot number fifty, situated in the town of Eastern, in the county of Chenango, was about sixteen years since let out to divers settlers, on perpetual leases, by the town of Oxford, reserving annual rents thereon for the use of the gospel and school, and doubts having arisen as to the validity of said leases—Therefore,

I. *BE it enacted by the people of the state of New-York, represented in senate and assembly,* That the said leases shall be deemed good, effectual and valid in the law; and it shall be the duty of the supervisors and overseers of the poor, of the towns of Eastern and Oxford, to meet together at the house of William Cable, in the town of Eastern, on or before the last Tuesday in June next, and then and there to make an equal division of all monies, notes, bonds and other securities, arising from said lot; which said notes, bonds and other securities as aforesaid, shall be recoverable in any court having cognizance thereof, for the benefit of the town to which the same may fall by said division, and may be sued and prosecuted in the name of the overseers of the poor of said towns of Eastern and Oxford respectively.

II. *And be it further enacted,* That the supervisors and overseers of the poor of the said towns of Eastern and Oxford, shall, and it is hereby made their duty, at the time of their meeting on the last Tuesday in June next, to make an equal division of the territory of said lot, agreeable to the subdivision of the same, and file a record thereof, signed by a majority of them, with each of the town clerks of said two towns; and they shall also, within thirty days thereafter, cause a notice to be given to each of the settlers or lessees of said lot to which of the said towns of Eastern or Oxford that part of the lot, by him occupied, may fall by said territorial division; which said occupants or lessees, (after notice so given) shall hereafter recognize the town to which their part of said lot may fall as aforesaid, as the one entitled to all rents due or to become due thereon by virtue of the leases above mentioned.

III. *And be it further enacted,* That each of the said towns of Eastern and Oxford shall, from and after the time the territorial division of said lot takes place, in conformity with the provisions of this act, be liable to support all paupers who may hereafter gain a residence on its respective division of said lot, and become chargeable as such.

CHAP. CCIV.

AN ACT *authorising the raising of a sum of money, in the county of Ontario, to be paid to the commissioners for building a bridge over the Genesee river.*

Passed April 11, 1817.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the supervisors of the county of Ontario, at their annual meeting in October next, to cause to be raised by tax the sum of one hundred and fifty-six dollars and eighty-seven cents, over and above the ordinary expenses of collecting the same; which may be levied and collected in the same manner as the contingent charges of the county are levied and collected; and when collected shall be paid to John H. Jones and Hugh McNair, commissioners, appointed to erect a bridge over the Genesee river, between the towns of Genesee and Liecester, in discharge of a recovery against them by one Asa Johnson, for building such bridge.

CHAP. CCV.

AN ACT *to incorporate the members of the religious society of Roman Catholics, belonging to the congregation of St. Peter's church in the city and county of New-York.*

Passed April 11, 1817.

WHEREAS the members of the Roman Catholic religious society, belonging to St. Peter's church and to St. Patrick's cathedral, in the city of New-York, have presented their petition to the legislature, setting forth that it is the desire of the petitioners that distinct acts of incorporation should be passed for each of them, the said church and the said cathedral, to the end that each may separately manage and direct the temporalities unto each belonging: *And whereas* doubts have arisen whether the members belonging to the said church and to the said cathedral, can form separate incorporations without the intervention and sanction of the legislature, in as much as the said church and the said cathedral are now incorporated, jointly, under the act, entitled "an act to provide for the incorporation of religious societies," passed April 5th, 1813: *And whereas* the legislature deems it proper to grant the prayer of the said petition—
Therefore,

Preamble.

I. BE it enacted by the people of the State of New-York, represented in senate and assembly, That the members of the religious society of Roman Catholics, belonging to the congregation of St. Peter's church, in the city of New-York, now, or at any time hereafter, are, and from and immediately after the passing of this act shall be, and hereby are constituted a body corporate and politic, in fact and in law, by the name, style and description of "the trustees of St. Peter's church in the city of New-York;" and that the said trustees and their successors, to be elected as herein after ordered and di-

Incorporated

Style.

Privileges.

rected, and not otherwise, by the name and style aforesaid, and to the number as herein after prescribed, shall have perpetual succession, and shall be entitled, and are hereby authorised and empowered, to take into their possession and custody, and to hold, possess and enjoy, all that portion of the joint property and estate, both real and personal, in law or in equity, in reversion or remainder, which belongs to such church, or the said congregation or religious society, whether such real estate may have been given, granted or devised, or whether such personal estate may have been given or devised directly to such church or congregation, or to any other person or persons, body or bodies corporate, for the use of such church or congregation, or religious society, and to hold, recover and enjoy all the debts, demands, rights and privileges, and the said church and burial place thereto adjoining, with all the appurtenances and all the estates belonging to such church, congregation or society, in whatsoever manner the same may have been acquired, or in whose name soever the same may have been held, as fully and amply as if the right or title thereto had originally been vested in the said trustees: *And further*, that the said trustees and their successors shall be capable in law to purchase, take, have, hold, receive and enjoy, to themselves and their successors forever, in fee simple, or by any lesser title, any estate or interest in any lands, tenements or hereditaments, and the rents, issues and profits thereof, the yearly income or rent of which shall not exceed in the whole the sum of ten thousand dollars, whether the same be by gift, grant, bargain or sale; and also to purchase, take, hold, possess and enjoy, any monies or other personal estate whatsoever, by gift, grant, bargain and sale, bequest or otherwise; and the same lands, tenements and hereditaments, or personal estate, to give, grant, demise, lease or otherwise dispose of, as to them shall appear proper and just, according to the best of their judgment, for the use, benefit and advantage of the said church and congregation: *Provided*, that nothing herein contained shall authorise the said trustees to sell the real estate unto the said church or congregation belonging, without the concurrence of the chancellor to be first had and obtained in the manner specified in the eleventh section of the act, entitled "an act to provide for the incorporation of religious societies:" *And also*, that the said trustees and their successors, by the name aforesaid, shall be able and capable, in law or equity, to sue and be sued, to plead and be impleaded, to defend and be defended, in any court or courts, in as full and effectual a manner as any other person or corporation within this state may or can do.

Proviso.

Seal.

II. *And be it further enacted*, That it shall be lawful for the said trustees and their successors to make, have and use one common seal, with such device and inscription as they may think proper, and the same to break, alter or renew at pleasure; and the said trustees and their successors, by their name aforesaid, shall have, hold and enjoy, all and singular the rights, privileges and liberties, franchises and protection, for themselves and the said church and congregation, incident and belonging to a private religious corporation or body politic within this state.

Officers.

III. *And be it further enacted*, That the right reverend Roman Catholic bishop, in the city of New-York, for the time being, shall ever be considered ex-officio the president of the board of trustees,

Provide nevertheless, that in the case of the absence or death of the said right reverend Roman Catholic bishop, the said board of trustees shall have the power to appoint a chairman pro tempore: *And further*, that the first trustees of the said corporation shall be composed of the following persons, viz. Dominick Lynch, junior, Francis Cooper, Francis Depau, Robert Fox, John R. Skiddy, Lewis Larue, John George Gottsberger, James Matthews and Garret Byrnes; which persons shall continue in office until Easter Monday, in the year of our Lord one thousand eight hundred and eighteen: *And further*, that nine lay-members of the said congregation, worshipping in and contributors to the said church, shall be appointed and elected in manner and form as follows, that is to say: it shall be the duty of all the male persons of full age belonging to the said church, or so many of them as think proper to attend, being pew-holders or stated hearers, and contributing to the said church not less than four dollars annually, in quarterly payments, and not more than six months in arrear, to meet on Easter Monday, in the year of our Lord one thousand eight hundred and eighteen, between the hours of eleven o'clock in the forenoon and three o'clock in the afternoon, and elect nine lay trustees by ballot, at such place in the said city, and under such directions as shall be agreed upon by the board of trustees, whereof due notice shall be given three Sundays successively in said church during divine service, and immediately preceding said election; and the trustees elected as herein last mentioned, shall continue in office for three years from the day of their election; and immediately after such election, the said trustees shall divide themselves into three classes, numbered one, two, three, and the seats of the members of the first class, shall be vacated at the expiration of the first year, and the members of the second class at the expiration of the second year, and the members of the third class at the expiration of the third year, to the end that the third part of the whole number of trustees may be chosen annually, who shall not be eligible again under one year after the expiration of their term; and elections for trustees after the first shall be held on Easter Monday, in every year, between the hours of eleven o'clock in the forenoon and three o'clock in the afternoon, by ballot, at such place in the said city, and under such directions as shall be agreed upon by the board of trustees, or a majority of them, whereof due notice shall in like manner be given three Sundays successively in said church, during divine service, and immediately preceding such election; and the three trustees so elected annually to fill such vacancies, shall in like manner with the trustees first elected continue in office for three years; and the electors at all such subsequent elections, shall possess the same qualifications, and contribute in like manner, as the electors for the first election; and it shall be the duty of the said trustees to keep a book to register all the names of the electors so qualified, and to produce such book at the elections, in order to test the qualifications of the electors, in case the same should be questioned; and if any vacancy in the office of trustee happen by resignation, death or otherwise, the remaining trustees may make temporary appointments until the next annual election, which appointments shall then fill such vacancies, to the end that no elector

Trustees.

Elections,
how conducted.

3 classes of
trustees.

To register
names.

meetings.

may give more than one vote in the same year, except he is a trustee and votes to supply a vacancy as aforesaid.

Treasurer &
clerk,

IV. *And be it further enacted*, That the trustees shall appoint out of their number a suitable person for the office of treasurer, and may elect a clerk from the members generally; and it shall be the duty of the clerk to keep the minutes of all their proceedings, in a book kept for that purpose; and the said treasurer shall exhibit a full, true and just account, quarter yearly, to the board of trustees, of the state of the funds of the said church, and of the free school thereunto belonging; and the said electors shall likewise, at every election for trustees, elect two of the said congregation, who are entitled to a vote as auditors, to inspect and examine the treasurer's books, whose duty it shall be to make a report to the congregation, giving a statement of the funds of the said church, and the free school thereunto belonging; the treasurer to give security for the faithful performance of his trust, in such sum as the said trustees shall think proper.

Trustees of
the two
churches.

V. *And be it further enacted*, That the trustees of St. Peter's church aforesaid, shall assume and become responsible, and they are hereby made liable, jointly with the trustees of St. Patrick's cathedral in the city of New-York, for the debts, bonds, notes and other demands which the trustees of St. Peter's church in the city of New-York have heretofore contracted and are now liable for; and the estate, real and personal, the funds, revenues and receipts of each of the aforesaid churches shall be and continue and remain pledged and liable for the final liquidation, redemption and extinguishment of the responsibilities heretofore incurred by the trustees of St. Peter's church last aforesaid, and that an account of the revenue and expenditures of either church shall be mutually rendered by the trustees of each church to the trustees of the other church at the end of every year, at which time the surplus funds of both and either of them shall, after deducting all necessary expences, be delivered and paid over towards the payment and satisfaction of the responsibilities and pecuniary engagements incurred as aforesaid, until the same shall be satisfied and extinguished.

Trustees to
meet, &c.

VI. *And be it further enacted*, That it shall and may be lawful for the said trustees of St. Peter's church aforesaid, and their successors, from time to time, as occasion may require, at the call of any two of such trustees, to meet together for the purpose of transacting the business of the society under their care; and of the time and place of such meeting due notice shall be given to all the said trustees at least one day before the said meeting, (excepting in cases of emergency) and if five of said trustees shall attend, they shall form a quorum or board of trustees, and shall have power, by a majority of votes, to make, ordain and establish such rules, orders and regulations for the management of the temporal concerns of the said congregation, and for the government of the schools attached to the said church, as to them shall seem just and proper: *Provided*, that such rules, orders and regulations be not repugnant to the laws and constitution of this and of the United States: *Provided also*, that the said trustees shall not enter into any expences, other than the ordinary contingent and necessary expences, without the consent and concurrence of the trustees of St. Patrick's cathedral, in the city of

Proviso.

New-York, first to be had and obtained, until the final extinguishment and satisfaction of all the debts, responsibilities and engagements heretofore incurred by the trustees of St. Peter's church, and hereby assumed in equal portions by the trustees of the said cathedral last mentioned and of the said church herein mentioned.

VII. *And be it further enacted*, That in case of a dissolution of this corporation, or forfeiture of its charter by means of any non-user or neglect to exercise any of the powers now given, it shall be lawful for the said congregation, having a right to vote at elections, to cause themselves and this society to be re-incorporated in the mode prescribed by the laws of this state, under the present charter of incorporation; and thereupon all the real and personal property which did belong to such dissolved corporation at the time of its dissolution, and all property given or granted for the benefit of such corporation, congregation or religious society, shall vest in such new incorporation for the said society.

When they
may be re-
incorporated.

VIII. *And be it further enacted*, That the joint incorporation of St. Peter's church and of St. Patrick's cathedral, now existing in the city of New-York, under the name, style and description of "the trustees of St. Peter's church in the city of New-York," be and the same is hereby dissolved: *Provided*, that all grants or gifts of property, real or personal, heretofore made for the benefit of the said trustees of St. Peter's church in the city of New-York, or for the benefit or advantage of the religious societies incorporated under the name last mentioned, and all acts of the legislature of this state heretofore passed for the benefit thereof, be and the same are hereby ratified and confirmed.

Joint incor-
poration dis-
solved.

CHAP. CCVI.

AN ACT to establish gaol liberties in the county of Oswego.

Passed April 11, 1817.

BE it enacted by the people of the State of New-York, represented in senate and assembly, That from and after the passing of this act, it shall be lawful for the judges of the court of common pleas in and for the county of Oswego, or a majority of them, to appoint and establish gaol liberties at the two several sites already established for building court houses and gaols in said county, in the same way and manner as the judges or courts of common pleas in the several counties of this state are authorised to do by virtue of the fourth section of the act, entitled "an act relative to gaols," passed the 6th of April, 1813.

CHAP. CCVII.

AN ACT to incorporate the New-York female assistance society.

Passed April 11, 1817.

Preamble. WHEREAS a petition hath been presented to the legislature, from certain ladies of the city of New-York, representing that they have heretofore associated for charitable purposes, under the name and style of "the New-York female assistance society," for the relief of sick poor women and children, and praying to be incorporated—Therefore,

Body corporate. I. *BE it enacted by the people of the state of New-York, represented in senate and assembly,* That all persons who now are or may hereafter become members of the said society, shall be and hereby are ordained, constituted and declared to be a body corporate and politic, in fact and in name, by the style and description of "the New-York female assistance society," until the second Monday of November, which will be in the year of our Lord one thousand eight hundred and thirty; by which name and style they and their successors shall be a body politic and corporate in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places whatsoever; and they and their successors may have a common seal, and may change and alter the same at their pleasure: *And also,* that they and their successors, by the name, style and title of the New-York female assistance society, shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of the said corporation: *Provided,* that the yearly value of the same shall not at any time exceed the amount of three thousand dollars.

Officers. II. *And be it further enacted,* That the officers of the said corporation shall be a directress, second directress, treasurer and secretary, and twelve managers, and as many assistant managers as the said society shall, from time to time, deem necessary to appoint, (such officers being inhabitants of the said city of New-York, and members of the said corporation,) and shall be elected (the assistant managers thereof excepted) on the second Monday in November in every year, at such time and place in the said city as shall be designated by the by-laws of the said corporation; and such persons, being females, who shall at any such election have the greatest number of votes for the said offices respectively, shall be deemed duly elected to the said offices for one year, and until others shall be chosen in their places; and nothing herein contained shall be so construed as to prevent the re-election of any or either of the said officers; that if any vacancy or vacancies shall happen among the said officers, (assistant managers excepted) by any cause whatever, the same shall be filled for the remainder of the year by a special election, to be notified and held for the purpose, in the same manner as the annual elections, at such times and places as shall be fixed on by the officers, or ascertained by the by-laws of the said corporation; and that Ann Strong shall be first directress, Hester Smith the second directress, Sarah Hall, treasurer, Mary W. Morgan, secretary, Sarah Vanderpool, Pamela Lamplin, Eliza Day, Harriet Wheeler, Fran-

ces Tappan, Hilah Russel, Susan Seaman, Susan Willing, Jane Oakley, Catharine Wallace, Rebecca Burling and Mary Johnson, managers; and shall hold their respective offices until the second Monday in November next, and until others shall be chosen in their places.

III. *And be it further enacted*, That in case it should happen that an election of officers should not be made on any day when by the direction of this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any other day to make, have and hold an election of officers, in such manner as shall have been prescribed by the by-laws and ordinances of the said corporation. Elections neglected.

IV. *And be it further enacted*, That the said meetings and elections of officers shall be held and made at a place certain, to be fixed by the by-laws of the said corporation, and eight members of the said corporation, including any one of the officers thereof, shall be considered a quorum, and shall have full power to do and transact all the business of the said corporation. Elections.

V. *And be it further enacted*, That the directress and second directress, treasurer and secretary, shall be ex-officio managers; and that the managers, or a majority of them, shall have full power, from time to time, to make by-laws and ordinances relative to the management and disposition of the estate and concerns of the same, and the regulating the persons exercising the offices aforesaid: *Provided*, such by-laws and regulations be not repugnant to the constitution or laws of the United States or of this state. Managers powers.

VI. *And be it further enacted*, That the said managers shall, at least once in every year, on the second Monday in November, immediately previous to the election of officers, exhibit to the members thereof, in and at their annual meeting, an account of their receipts and disbursements of the then last twelve months. To account.

VII. *And be it further enacted*, That the husband of any married woman, who is or may be or become a member or officer of this corporation, shall not be liable to the said corporation for any loss occasioned by the neglect or misfeasance of his wife, upon any subscription or arrangement of his wife; but if he shall have received any money from his wife, belonging to the said corporation, or if he shall have knowingly and willingly applied, or suffered to be applied to his use, any such money or monies, he shall be accountable therefor; or if the husband's goods shall be attached, or if he shall have become insolvent, such money, if received after the passing of this act, shall be paid in preference to all other debts. Husbands, when liable.

VIII. *And be it further enacted*, That if the said corporation shall apply their, or any part of their funds, to any other purpose than those contemplated by this act, and shall be thereof convicted in due course of law, that then the said corporation shall cease and determine, and the estate real and personal thereof shall be forfeited to and vested in the people of this state: *And further*, that nothing in this act contained shall be construed to prevent the legislature, at any time, in their discretion, within the period aforesaid, from altering or repealing this act. When dissolved.

IX. *And be it further enacted*, That this act be, and the same is hereby declared to be a public act, and that the same be construed

in all courts and places benignly and favorably, for every charitable purpose therein mentioned.

CHAP. CCVIII.

AN ACT *for the relief of the infant heirs of Battis Denio.*

Passed April 11, 1817.

WHEREAS Battis Denio died in possession of a certain lot of land situate in the town of Delhi, and county of Delaware, leaving several infant heirs, without sufficient personal estate to support and educate them: *and whereas* the aforesaid infant heirs cannot prove to the satisfaction of the chancellor that the said Battis Denio was lawfully seized of said premises, and therefore cannot obtain relief without legislative provision: Therefore,

BE it enacted by the people of the state of New-York, represented in senate and assembly, That it shall and may be lawful for the administrators of said Battis Denio, to sell and convey all the estate, right, title, interest, claim and demand which the said Battis had at the time of his death, of and in the house and lands by him possessed in the town of Delhi, in the county of Delaware, and to apply the money arising from such sale towards the support and maintenance of said infant children, in equal parts, share and shares alike, to each of the said heirs.

CHAP. CCIX.

AN ACT *for the relief of William Butterfield and others.*

Passed April 11, 1817.

WHEREAS by the thirtieth section of the act, entitled "an act for the payment of certain officers of government, and for other purposes," passed April 15, 1814, it is required, that in the several forms of oaths prescribed by law, to be taken by certain town officers therein mentioned, that the following additional words be inserted, viz: "And that I am a citizen of the United States, and that I am a freeholder, and an actual resident of the town of _____ in the county of _____:" *And whereas* the inhabitants of the town of Putnam, in the county of Washington, at their last annual town meeting, were ignorant of the act aforesaid, as amended, and that certain town officers then elected omitted to take and subscribe the oath as amended: Therefore,

BE it enacted by the People of the state of New-York, represented in Senate and Assembly, That the commissioners of highways last chosen within and for the town of Putnam, in the county of Washington, be and they hereby are authorised to do and to perform all acts incident to their said office, as effectually as though they had taken and subscribed the oath of office, as amended in and by the act, entitled "an act for the payment of certain officers of government, and for other purposes", passed April 15, 1814, and that all acts done and performed by said commissioners, in virtue of

their said office, pursuant to the act, intituled "an act relative to the duties and privileges of towns," be and the same are hereby declared valid; and that all penalties which may have accrued against the said commissioners, or any other officer of said town of Putnam, by reason of their having omitted to take and subscribe their respective oaths of office, with the additional words inserted, as required in and by the act aforesaid, be and the same are hereby remitted.

CHAP. CCX.

AN ACT to amend the act, entitled "an act to incorporate the city of Troy.

Passed April 11, 1817.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly,* That so much of the eighteenth section of the act hereby amended, relative to the removal of disorderly persons or paupers, as authorises the board of magistrates, of the city of Troy, in case they cannot discover the place of legal settlement of such disorderly persons or paupers, or the same is not within this state, to remove them out of the said city to the town or place from whence they last came into the said city, be and the same is hereby repealed.

Part of 18th section of former act repealed.

II. *And be it further enacted,* That the mayor, recorder and aldermen of the city of Troy, shall be and they are hereby constituted members of the courts of oyer and terminer and general gaol delivery, to be held in and for the county of Rensselaer, in the same manner as the mayor, recorder and aldermen of the cities of New-York and Albany are respectively members of the said courts of oyer and terminer and general gaol delivery, in the respective counties of New-York and Albany.

Mayor, Recorder, members of the court of oyer & term.

III. *And be it further enacted,* That it shall not, after the passing of this act, be lawful to summon more than twenty-four, or less than eighteen, jurors, for the trial of issues in the court of common pleas, called the mayor's court, of the city of Troy, unless otherwise directed by a judge of the said court; and that the said jurors so to be summoned shall be drawn by the clerk of the said court, out of a box by him to be provided, in the same manner as the jurors of the several courts of common pleas are directed to be drawn, and that the names of the said persons to be put into the said box shall be returned to the said clerk by the assessors and supervisors of the said city of Troy.

How many jurors shall be summoned.

Clerk's duties.

IV. *And be it further enacted,* That the jurors to serve in the mayor's court of the city of Troy, shall have the same qualifications that the jurors of the mayor's court of the city of Albany are required to have, and that venire facias shall issue in the same manner, and contain the same clause relative to the qualifications of the said jurors.

Jurors' qualifications.

CHAP. CCXI.

AN ACT for the preservation of shell and other fish within this state.

Passed April 11, 1817.

I. *BE it enacted by the people of the State of New-York, represented in senate and assembly,* That no person residing out of this state, shall rake, gather or take any shell or other fish in any of the waters of this state, or on the shores adjoining such waters; and every such person offending against the provisions of this act shall, for every offence, forfeit and pay the sum of twenty-five dollars, to be recovered with costs of suit, on the complaint of any citizen of this state, who will sue for the same before any justice of the peace within this state, in a summary way; one moiety whereof, when recovered, shall be paid to the informer, and the other moiety to the overseers of the poor of the city or town where such offender shall be prosecuted, for the use of the poor thereof.

II. *And be it further enacted.* That instead of fifty dollars, the forfeiture shall be twenty-five dollars, for any offence under the second section of an act, entitled "an act to protect the fishing in Hudson's river, and to prevent obstructions in the navigation," passed April 11th, 1815.

CHAP. CCXII.

AN ACT authorising the building of a toll-bridge over the Susquehannah river.

Passed April 11, 1817.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly,* That Isaac Hays, Curtis Noble, Sherman Page, William Gordon, James Hughston, Stephen Benton, Uriah Hanford, Daniel Coon, Henry Ogden, Willis Edson, Abijah H. Beach, Thomas Noble, Henry A. Beach, and Daniel C. Hayes, and their present and future associates, their assigns and successors, be and they are hereby created a body corporate and politic, by the name of "the president and directors of the Susquehannah bridge company," for the purpose of building a bridge across the Susquehannah river, at or near the place usually known by the name of Wattle's ferry; and they are hereby ordained, constituted and declared a body corporate and politic, in fact and name, and by that name they and their successors shall and may have succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever; and they and their successors may have a common seal, and may change and alter the same at their pleasure; and also that they and their successors, by the same name and style, shall be, in law, capable of purchasing, holding and conveying any estate, real or personal, for the use of the said corporation: *Provided,* That the real es-

Corporate
style.

Seal.

Privilege.

Proviso.

late as to be holden, shall be such only as shall be necessary to promote or obtain the objects of this corporation.

II. *And be it further enacted*, That Isaac Hayes be and he is hereby appointed a commissioner to do and perform the several duties herein after mentioned; and shall, on or before the first day of May next, procure a book, and enter therein as follows: We, whose names are hereunto subscribed, do, for ourselves and for our legal representatives, promise to pay the president and directors of the Susquehanna bridge company, the sum of one hundred dollars, for each and every share of stock in said company set opposite our respective names, in such manner and proportion, and at such time and place as shall be determined by the said president, directors and company; which book shall be kept open by the said commissioner at his place of abode, for the purpose of receiving subscriptions; and the said commissioner shall, as soon as fifty shares have been subscribed, cause a written notice to be given to each and every subscriber to the stock; of the time and place of meeting of the stockholders, for the purpose of choosing, by ballot, three directors, who shall be stockholders, to manage the concerns of the said company for one year, and until others shall be chosen in their stead; which notice shall be given at least ten days previous to the holding of said meeting, and the day for choosing the said directors shall for ever thereafter be the anniversary day for choosing the said directors; and a majority of said directors shall be a quorum and capable of transacting the business of the said corporation; and every act of a majority of said directors, so met, shall be binding on the said corporation; and the said directors, elected by a plurality of votes of the stockholders present, shall, within ten days thereafter, proceed to the choice of one of their number for president; and the said president and directors may meet from time to time, at such time and place as they may find expedient to direct; and shall have power to make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of this state or of the United States, as shall be necessary for the well ordering the affairs of the said corporation.

Commissioner.

Their duty.

Notice to stockholders.

Day for choosing directors.

President.

By-laws.

III. *And be it further enacted*, That the said president and directors may continue to receive subscriptions to the stock of the said corporation, until there shall be one hundred shares subscribed, and shall have power to appoint such agents, clerks, workmen and others, under them, as shall be necessary for executing the business of said corporation.

100 shares to be subscribed

IV. *And be it further enacted*, That the number of shares or subscriptions constituting the stock or fund of said corporation, shall not exceed one hundred shares, and the amount to be paid for each share or subscription shall be one hundred dollars; and that each stockholder shall be entitled to a number of votes proportioned to the number of shares which he or she may have or hold in his or her name.

Stock.

V. *And be it further enacted*, That in case the aforesaid bridge shall not be erected, built and completed, on or before the first day of August, one thousand eight hundred and nineteen, then the corporation created by this act, shall be adjudged and considered to be dissolved.

When dissolved.

When stock
liable to for-
feiture.

VI. And be it further enacted, That it shall and may be lawful for the said directors to call on and demand from the stockholders respectively, all such sums of money by them subscribed, or to be subscribed, at such times and in such proportions as they shall think fit, under pain of forfeiting their shares, and of all previous payments made thereon, to the said president and directors.

Damages for
injuring
bridge, &c.

VII. And be it further enacted, That if any person or persons shall wilfully do, or cause to be done, any act whatsoever, whereby the said bridge, toll-house, or any thing appertaining to the same, shall be impaired, weakened or injured, the person or persons so offending shall forfeit and pay to the said company treble the amount of damages sustained by means of such offence or injury, to be recovered by said company, with costs of suit, and by action of debt, in any court having cognizance thereof; which action shall, in every instance, be considered as transitory in its nature, and shall and may be triable in any court in this state.

Sixteen feet
wide.

VIII. And be it further enacted, That the said bridge shall be at least sixteen feet wide, and be well covered with plank, not less than three inches thick; the sides of said bridge to be secured with good and substantial railings.

When grant
void.

IX. And be it further enacted, That if the said bridge, after the same has been completed, shall at any time be impassable for the term of three months, that then the corporation shall cease, and the same is hereby declared to be dissolved: *Provided nevertheless,* That no such dissolution of the corporation shall take place if the said bridge shall be carried away by ice, freshets, or any unavoidable accidents, in case the same shall be rebuilt within one year after the same shall be carried away.

Proviso.

Judges in-
spect bridge.

X. And be it further enacted, That as soon as the said bridge shall be completed, and the supervisors of the towns of Unadilla and Sidney, with one of the judges of the court of common pleas of the county of Otsego, shall, upon inspection, certify under their hands, that the said bridge is well and sufficiently constructed and built, and will admit of the passage of loaded teams, and other carriages, it shall and may be lawful for the said president and directors to erect a gate at either end of the said bridge, and demand, receive and take, for the use of the said corporation, a toll not exceeding the following rates, to wit: For every coach, phaeton, or other pleasure carriage, drawn by four horses, thirty-seven and a half cents, drawn by two horses, twenty-five cents, drawn by one horse, twelve and a half cents; for every waggon or cart, other than pleasure carriages, drawn by four horses, mules or oxen, twenty-five cents, drawn by two horses, mules or oxen, twelve and a half cents, drawn by one horse or mule, eight cents, and for every additional horse, mule or ox, four cents; for every sleigh or sled, drawn by two horses, mules or oxen, eight cents, and for every additional horse, mule or ox, three cents; for every sleigh or sled, drawn by one horse or mule, six cents; for every horse and rider, six cents; for every horse, jack or mule, led or driven, three cents; for every foot passenger, two cents; for every score of cattle, twenty five cents; for every score of sheep or hogs, twelve and a half cents, and in proportion for a greater or less number: and it shall be lawful for the toll-gatherer to stop any person riding, leading or driving

When gate
may be erect-
ed.

Rates of toll.

When toll-
gatherer may
stop passen-
gers.

any horse, cattle, sheep or hogs, or any sled or carriage, or cart of burthen or pleasure, from passing through the said gate upon the said bridge, until they shall have respectively paid the toll as above specified.

XI. *And be it further enacted*, That if any person shall forcibly pass the said gate to be erected on the said bridge, without having paid the legal toll, such person or persons shall pay a fine not exceeding ten dollars, nor less than two dollars, to be recovered by the treasurer of the corporation, to their use, in an action of trespass; and if any person on foot, or with his team, carriage or horse, shall cross the said Susquehannah river, within half a mile of the said bridge, with intent to avoid paying the toll due by virtue of this act, the person shall forfeit and pay twice as much as the legal toll would have been in passing said gate and bridge, to be recovered as aforesaid, in an action of debt.

Fine for forcibly passing or avoiding gate.

XII. *And be it further enacted*, That this act be and the same is declared to be a public act, and shall be construed favorable for every beneficial purpose therein mentioned.

CHAP. CCXIII.

AN ACT to amend the act, entitled "*an act to incorporate the Ulster and Orange branch turnpike company.*"

Passed April 11, 1817.

WHEREAS the president and directors of the Ulster and Orange branch turnpike company, in conjunction with the owners of the lands contiguous to the route of the said road, and sundry other inhabitants of the counties of Orange, Sullivan and Delaware, have petitioned the legislature to cause a proportionate assessment to be laid on the lands materially to be benefitted by the making the said road, as the most equitable mode of creating a capital to enable the said president and directors to finish the same: *And whereas* the said petitioners have prayed that each owner of lands so to be assessed, should become a stockholder in the said company, for such amount as he may, by reason of such assessment, contribute towards the said road: Therefore,

Preamble.

I. *BE it enacted by the people of the state of New-York, represented in senate and assembly*, That the person administering the government of this state, be and he is hereby authorised, by and with the advice and consent of the council of appointment, to appoint three discreet and reputable freeholders of this state, not interested in the lands to be assessed by virtue of this act, nor in any lands, tenements or hereditaments to be benefitted or affected by such assessment, nor in the stock of the Ulster and Orange branch turnpike road, whose duty it shall be, as soon as may be after acceptance of their appointment, to make a just, equitable and proportionate assessment on all the lands lying adjoining or contiguous to the said turnpike road, and materially to be benefitted by said road, and not exceeding the distance of six miles, on either side of the route thereof, from the place where the said turnpike road crosses the Minisink

Commissioners to be appointed

To make assessment

road, in Mamakating hollow, in the county of Sullivan, until the same shall intersect the Neversink, or first Great South-Western turnpike in the town of Liberty, in the county of Sullivan; in making which assessment, the said commissioners shall take into consideration the relative value of the lands so to be assessed, their contiguity to said road, their susceptibility of improvement, their local and natural advantages, and the benefit which, in their opinion, will result thereto, from making and opening the said road, and shall apportion the assessment thereon accordingly; but this section shall be so construed as to authorise the said commissioners, at their discretion, to limit their assessment, so as not to exceed three miles on each side of the said road, whenever, in the opinion of the said commissioners, the same shall be rendered equitable and proper, either by reason of any other turnpike road running near thereto, or otherwise, so that no land shall be liable to a double assessment, at the intersection with the main road: *Provided always*, that the said assessment so to be made by virtue of this act, shall in no case exceed the rate of eight hundred dollars per mile, in length, of said road, over and above the expenses and charges of making the said assessment: *And provided further*, that as it respects so much of the said road as passes through the lands of owners (if any) who may not have consented to this act, and made with their assessments, it shall be at the election of the said owners to have the said road a free road; which election shall be made by a declaration thereof, to be filed with the commissioners appointed by this act, within six months after the said assessment shall be completed.

II. *And be it further enacted*, That the said commissioners shall make an assessment for each town through which the said road passes separately; and that the money raised in each town shall be expended therein, and not elsewhere, unless there remains a surplus after completing the road in and through the said town: *Provided however, and be it further enacted*, That in lieu of the payments aforesaid, it shall be lawful for any of the persons assessed, to make such road through his or their lands, or within the town in which his or their lands lie, under the inspection of the president and directors of the said company, so that the same be commenced by the first day of August next, and be completed within three years thereafter; for which such person or persons shall be allowed in his or their assessment, and in satisfaction thereof, at and after the rate of eight hundred dollars the mile, or such other sum as the said commissioners shall determine.

III. *And be it further enacted*, That the said commissioners shall cause a map to be made of all the lands upon which they shall lay any such tax, or assessment, by virtue of this act, designating thereon the lots, or parts of lots, and the quantity of acres therein, which shall be by them assessed; and shall make out a report or assessment list, to accompany the said map; in which report or list they shall set down, distinctly, and as accurately as they shall be able to ascertain the same, the number or other proper description of the lots or parts of lots, so by them assessed, and the names of the owners thereof, so far forth as the said commissioners shall be able to ascertain the same, and also the amount or sum total of the assessment by them laid upon every and each of the said lots or parts

Assessment
limited to 3
miles, &c.

Provide.

When a part
may be a free
road.

Assessment
made for
each town.

Persons may
make road
thro' their
land, &c.

Map to be
made of land
taxed.

of lots; and where an accurate description of the said lots, or the name or names of the owner or owners of the same cannot be obtained, then such description as has been made of such lot, piece or parcel of land, in the last assessment roll of the assessors of the town in which the same is situate, shall be taken and deemed to be a sufficient description thereof: and as soon as the said commissioners shall have completed the said assessment, they shall cause three copies of the said map and report, or assessment lists, to be made and subscribed with the respective names; one copy whereof shall be kept by each of the said commissioners until they shall have reviewed their said assessments as herein after directed; and the said commissioners shall thereupon cause notice to be published, for six weeks successively, in the newspaper printed by the printer to this state, one of the newspapers printed in the city of New-York, and one of the newspapers printed in the county of Orange, notifying all persons interested, that they have completed the said assessment, and that a list thereof is in the hands of the said commissioners, and the places respectively where the same may be seen and examined, by any such persons, or their agents, during one month from and after a certain day, to be specified in such notice; and that at the expiration of the said one month, they will meet on a certain day, and at a place to be specified in the said notice, to review the said assessment, upon the application of any person conceiving him or herself aggrieved: and it shall be the duty of the said commissioners, during the said one month, to submit the said assessment list and maps to the inspection of any person who shall apply for that purpose, and at such time and place thereafter, as shall have been notified by them as aforesaid, the said commissioners shall review the said assessment, and may correct or alter any mistake or inequality therein, on sufficient cause being shewn to their satisfaction; which assessment, after the same shall have been so reviewed as aforesaid, shall stand and remain unalterable; and the said commissioners shall immediately thereafter alter and correct the said maps, or lists, so as to comport with the said assessment, as the same shall be finally settled by them, and cause one of the said maps and lists, or a copy thereof, to be filed in the office of the clerk of the county of Sullivan; one other, or a copy thereof, to be deposited with the treasurer of said company; and one other thereof shall be kept by the said commissioners, or one of them; and such assessment shall thereupon become a lien on each of the said lots, pieces or parcels of land, respectively, so assessed.

Three copies of map to be made.

Shall publish notice, &c.

Persons may inspect maps, &c.

Where maps, &c. shall be filed.

IV. *And be it further enacted*, That each of the said commissioners, before entering on the duties prescribed by this act, shall take and subscribe an oath or affirmation before any person legally authorized to administer oaths, faithfully and impartially, according to the best of his judgment and ability, to execute the duties of a commissioner under this act, without favor or affection, which oath or affirmation shall be filed in the office of the clerk of the county of Sullivan.

Commissioners shall take an oath.

V. *And be it further enacted*, That the treasurer of the said company, before he shall enter upon the duties to be performed by him by virtue of this act, shall enter into bond to the people of this state, in the penal sum of five thousand dollars, with two sureties being

Treasurer shall enter into a bond.

freeholders, to be approved of by any one of the judges of the court of common pleas of the county of Orange, jointly and severally in the said sum, conditioned that the said treasurer shall well, honestly and faithfully do and perform the duties enjoined on him as treasurer of the said company by virtue of this act, and honestly and faithfully pay over upon demand, to the person or persons, or bodies politic or corporate, all such sums of money as he shall from time to time receive for, or in behalf of any such person or persons, or bodies politic or corporate, or either of them, by virtue of this act; and upon any breach of the condition of the said bond, it shall be lawful for any court having jurisdiction thereof, upon motion in open court in behalf of the person or persons, or body politic or corporate aggrieved thereby, to cause the said bond to be prosecuted; and the person or persons, or body politic or corporate, in whose behalf the same shall be prosecuted, may assign such breaches as he or they shall think proper, and shall recover thereupon such damages as shall be assessed by a jury, together with the costs, as in other cases to be taxed; and such recovery shall not be a bar to any other suit to be brought for any other breach of the condition of said bond, either by the plaintiff in such recovery, or any other person or persons, or body politic or corporate: *Provided however*, that in all cases where by the act concerning costs the defendant would have been entitled to costs, in case any such suit had been brought in the name of any individual, the person or persons, or body politic or corporate, in whose behalf such suit shall have been commenced, shall pay costs to the defendant so to be taxed.

Proviso.

Assessments
payable to
treasurer.

Treasurer
shall give
public no-
tice.

When trea-
surer shall
sell at auc-
tion

and give a
certificate
to purchaser.

VI. *And be it further enacted*, That the sums so to be assessed upon the said lands, shall become due on the first day of December next, after the assessment hereby authorised shall have been completed; and shall be payable to the treasurer of the said company, at his office, and that immediately after the said assessments shall have been completed, and the said maps and lists shall have been filed and deposited by the said commissioners as aforesaid, it shall be the duty of the said treasurer of the said company, to cause public notice thereof to be given, by publishing an advertisement at least six weeks successively in the newspaper printed by the printer to this state; one of the newspapers printed in the city of New-York, and one of the newspapers printed in the county of Orange, thereby giving notice of the time when the said sum so assessed will become due, and at what place they are required to be paid: And also, that in case default shall be made in the payment of the same, or any of them, or any part of either of them, at or upon the day fixed for the payment thereof, that thereupon the said treasurer will on a subsequent day to be specified therein, and from day to day thereafter, and at a place also to be mentioned in the said notice, proceed to sell at public auction, all such lots, or parts of lots of land, or so much thereof as shall be sufficient to pay and satisfy the sums so assessed thereon respectively, together with costs of advertising and selling the same; and the said treasurer upon payment to him of the sum bidden for each of the said lots, or such part thereof as shall be sold by him for the purpose aforesaid, shall make and deliver to the person purchasing the same, a certificate describing the lands so respectively sold, and setting forth the amount paid him therefor, and

the name of the person purchasing the same; and in case the owner or owners of such lands so sold, shall not within two years thereafter, redeem the same, by paying to the said treasurer, for the use of the person who shall have purchased the same, the amount of the money paid by such purchaser therefor, together with interest thereon, at the rate of fourteen per cent. per annum; that then it shall be lawful for the said treasurer, to make and execute a deed or deeds for such land, to such purchaser; which deed or deeds shall be valid and operative, to vest absolutely in such purchaser, and his heirs and assigns for ever, an estate in the said lands in fee simple.

Land may be redeemed in two years,

and if not, the lands shall be vested in fee.

VII. *And be it further enacted*, That it shall and may be lawful for the said treasurer, to take and receive for the expenses of advertising and selling any such lots or parts of lots, which shall be sold by him by virtue of this act, three per cent. upon the amount of the assessment laid upon such lots or parts of lots respectively.

Allowance to treasurer.

VIII. *And be it further enacted*, That all the monies which shall be raised by means of said assessment, shall, as the same shall come into the hands of the treasurer of the said company, be appropriated by the president and directors of the said company, for making, finishing and keeping in repair, that part of the said road lying between the said Minisink road and the said Neversink, or first great south western turnpike.

Duties of the directors.

IX. *And be it further enacted*, That the said president and directors shall cause to be issued and delivered, upon application therefor at the office of the treasurer of the said company, to each person whose lands shall be so assessed as aforesaid, and who shall have paid the said assessment, either voluntarily or by sale of such lands, scripts for so many shares of the capital stock of the said company, paid up to twenty-five dollars on each share, as shall, at twenty-five dollars per share, amount to the sum by or for him paid to the said treasurer by reason of the said assessment: *Provided always*, That whenever it shall happen, that the sums so paid to the said treasurer, by or for any person so assessed, shall be such as shall leave any such person entitled to a part of a share of the said stock, it shall be the duty of the said president and directors to cause a script to be issued to such person for a full share of the said stock, upon the payment by such person to the treasurer, of so much as shall, together with such part as aforesaid, amount to the full nominal value of such share of stock.

When scripts shall be issued.

X. *And be it further enacted*, That in case it shall happen, either by death, inability to attend, or other reason, that any one of the said commissioners shall not be present at the doing any of the duties to be performed by virtue of this act, any two of the said commissioners shall be authorised to do and perform the said duties, and the acts of any two of them shall be valid and effectual, as if the whole of the said commissioners were present at the doing thereof: *And further*, That the said commissioners shall be entitled to demand and receive from the said company, two dollars and fifty cents each, per day, for every day that such commissioners shall be engaged in the performance of the duty hereby created: *Provided, however*, that the said commissioners shall not be authorised to receive any compensation for keeping and exhibiting the said maps and lists as herein before required,

Two commissioners may act.

Allowance of commissioners.

Proviso.

Route of the road. XI. *And be it further enacted,* That the said commissioners shall have power to lay out and fix the route of the said road, where the same has not been done, and to alter the course thereof where the same is already laid out, in all or any places, where, in their opinion, the interests of the said company or public convenience shall require the same.

Road shall be completed in five years. XII. *And be it further enacted,* That the term of five years from the passing of this act be and the same is hereby allowed to the said president and directors, within which to make and complete the said road: *And further,* that this act and the act hereby amended, and the several acts in addition to the same, shall be taken and deemed to be public acts, and shall be favorably construed in all courts and places whatsoever, for the purpose of effectuating the objects meant and intended in and by the said acts.

May commute for labor, &c. XIII. *And be it further enacted,* That it shall be lawful for the president and directors of the said company, to commute with any person whose property shall be so assessed, for the payment of the amount so assessed on his land, in labor on the said turnpike, or in any other thing necessary for or towards making the said road, or in the conveyance of land instead of the payment of money: *Provided* such commutation shall and may be beneficially applied by the said company for making and finishing the said road.

Amended act revived. XIV. *And be it further enacted,* That the act hereby amended shall be and hereby is revived and continued in full force, and shall be construed in the same manner and have the like effect as if it had been passed prior to the twenty-first day of February last.

Proviso in former act amended. XV. *And be it further enacted,* That so much of the proviso in the fourth section of the act, entitled "an act to amend the act incorporating the Neversink turnpike road company, and for altering the name and style of the said company, passed the 28th day of March last," as limits the time authorising any person assessed in pursuance of the said act, to make such section of the said road through his or their lands, or within the town in which his or their lands lie, to the first day of May next, shall be and hereby is amended, by substituting the first day of October next: And also, that the compensation to be allowed to him or them for making such road per mile or a less distance, instead of being fixed and determined by one person to be chosen by the company and the other by the individual, shall in every case be determined by the commissioners to be appointed in and by the first section of the said act, or any two of them, whose duty it shall be, in addition to their other duties at the time of laying out the said road, to ascertain and determine the sum or sums which any owner of such land shall be entitled to for making such road per mile, or any less distance, which shall include the necessary bridges and sluices; and the said commissioners shall duly certify every such estimate to the president and directors of the said company, which shall be binding on both parties in case of any disagreement as to the compensation for making the same, in case of any disagreement, of which determination any proprietor may have access and shall be entitled to a certified copy of the same.

CHAP. CCXIV.

AN ACT to alter and amend the act, entitled "*an act to incorporate the Mount Hope and Lumberland turnpike road company.*"

Passed April 11, 1817.

I. BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the act, entitled "*an act to incorporate the Mount Hope and Lumberland turnpike road company,*" be so altered and amended that the president and directors hereinafter named, shall have full power and lawful authority to impose, levy and collect the tax hereinafter mentioned, on all lands within three miles on each side of said turnpike, at right angles therefrom, commencing on the west line of the expense lot, near the dwelling house of col. William A. Cuddeback, in the town of Deerpark; county of Orange, and to terminate at the narrows or big eddy, on Delaware river, in the town of Lumberland, county of Sullivan; which tax, when collected, shall be applied to the making of the said road, within the limits aforesaid.

Former act amended.

Tax.

II. And be it further enacted, That George D. Wyckham, John Duer, Benjamin Woodward, Charles Murray, Benjamin B. Newkirk, Abraham Cuddeback and Oliver Calkins, shall be the first directors of said company, to hold their office until the first Monday in December in the year one thousand eight hundred and eighteen, and until others be elected in their stead; and that George D. Wyckman shall be the first president of said company.

Directors.

III. And be it further enacted, That the said president and directors shall, as soon as may be after the passing of this act, cause the said road to be laid out and damages assessed, according to law, and immediately thereafter cause all lands within three miles of said road, on each side thereof, to be surveyed parallel with the same, designating the number of the lot or part of the lot as accurately as can be, from the best information and the number of acres in each lot or part of lot contained in such survey, also designating the number of acres in each and every half mile from said road, on each side thereof, commencing on the west line of the expense lot aforesaid, to the Delaware river aforesaid, and cause four maps thereof to be made, one to be filed in the comptroller's office of this state, one in the clerk's office in Orange, one in the clerk's office of Sullivan and one for the use of the company.

Road to be laid out and damages assessed.

Lands surveyed.

IV. And be it further enacted, That three commissioners, to be appointed by the person administering the government of this state, and the council of appointment, shall be authorised, and they are hereby required, to levy and collect the following tax on the lands aforesaid, to wit: On the first half mile on each side of said road, fifty cents per acre; on the next and adjoining half mile on each side, twenty cents per acre; on the next and adjoining half mile, eight cents per acre; on the next and adjoining half mile, three cents per acre; on the next and adjoining half mile, two cents per acre; on the next and adjoining half mile, one cent per acre, making in the whole three miles on each side of said turnpike road; and the said commissioners as aforesaid, or a majority of them, shall

Commissioners to collect tax.

Shall publish
list of lands.

make a list of the said land, designating the number of acres in each lot included in each half mile from said turnpike road, together with the amount of the tax thereon, agreeable to said assessment, and cause the same to be published in the paper printed by the printer to this state, and in one of the papers printed in Goshen, Orange county, once in each week, at least three months, giving notice, that unless the owner or owners of such land pay one half of the said tax assessed on their lands, within twelve months from the time of giving such notice, and the other half of said tax within thirty days after the said road is completed and gates erected, the said lands, or so much thereof as will be sufficient to pay the tax due, will be sold at public vendue to the highest bidder; and the said commissioners shall give at least three months notice of the time and place of sale of any of the lands sold by virtue of this act, in the two newspapers aforesaid; and if any of the owners of said land shall refuse or neglect to pay the said tax assessed as aforesaid pursuant to the said notice, when the same becomes due, that then the said president and directors shall have full power to sell said land to the highest bidder, or so much thereof as will be sufficient to pay the tax due, and on receiving the money of the purchaser or purchasers, the said president and directors shall give to said purchaser a certificate, specifying the number of acres purchased, the amount paid, designating the boundaries as near as practicable, subject to redemption for two years, by the owners refunding the said purchase money, together with an interest thereon, at the rate of fourteen per cent. per annum: *Provided however, and be it further enacted,* That in lieu of the payments aforesaid, it shall be lawful for any of the persons assessed to make such road through his or their lands, or within the town in which his or their lands lie, under the inspection of the president and directors of the said company, so that the same be commenced by the first day of August next, and be completed within two years thereafter, for which such person or persons shall be allowed on his or their assessment, and in satisfaction thereof, at and after the rate of five hundred dollars the mile, or such other sum as the said commissioners to be appointed by this act, or a majority of them, within six months after the assessment shall be completed, shall determine: *And provided further,* that as it respects so much of the said road as passes through the lands of any person or persons (if any) who may not have consented to this act, it shall be at his or their election to have that part of the said road which may have been made by such person or persons as aforesaid, or by his or their assessment, a free road or part of said turnpike road, which election shall be made by a declaration thereof, to be filed with the commissioners by this act appointed, within six months after the assessments shall be completed.

Each town
assessed sepa-
rately.

V. *And be it further enacted,* That the said commissioners shall make an assessment for each town through which the said road passes separately; and that the money raised in each town shall be expended therein, and not elsewhere, unless there remains a surplus after completing the road in and through the said town.

Lands may
be redeemed
within two
years.

VI. *And be it further enacted,* That the owner or owners of any lands sold by virtue of this act, may at any time within two years redeem the same, by paying to the purchaser the amount of the pur-

chase money paid, together with interest at the rate of fourteen per cent. per annum; and when there are several owners to lands undivided, it shall be lawful for any one or more of such owners to pay his or their proportion of tax, or to redeem his or their proportion of land so sold as aforesaid; and if any of the said owners refuse or neglect to redeem the land sold as aforesaid for the space of two years from the time of sale, that then and in such case the said president and directors shall make out a deed of conveyance to the purchaser or purchasers, to their heirs and assigns for ever, for the lands so purchased and not redeemed, which said deed the president shall sign, and on its being acknowledged as other deeds, and recorded, the title to the land therein specified shall be vested in the said purchaser, his heirs and assigns forever, as an estate in fee simple, and shall be valid, both in law and equity, against all other claims whatsoever.

VII. *And be it further enacted*, That each and every owner or owners of lands subject to the tax aforesaid, after paying the first installment, or one half of said tax, shall be entitled to vote at elections for directors, for the number of shares equal in amount to their respective taxes, in the same manner as if they had subscribed those shares, and shall be considered stockholders to the amount of the tax to which their lands is subject.

When owners of land may vote.

VIII. *And be it further enacted*, That no part of said tax shall be collected until the inhabitants residing within three miles of said turnpike road, from its commencement at Mount Hope to the west line of the expense lot, have subscribed in stock to said road, to the amount of five hundred dollars per mile, and the working of said road be actually contracted for by the said president and directors, and all other stock subscribed, to be laid out in such place and manner as the said president and directors shall think best for the benefit of the whole route.

When tax may be collected.

IX. *And be it further enacted*, That the said president and directors shall have full power to open books for the subscription of stock, and keep the same open until the whole number of shares be subscribed which is authorized in the act hereby altered and amended, including the tax hereby imposed, and all matters relating to said turnpike, not particularly mentioned in this act and the act hereby amended, shall be ordered and directed according to the provisions of the act, entitled "an act concerning turnpike roads," passed April 10, 1813.

Directors to open books.

X. *And be it further enacted*, That on the payment of the aforesaid tax, the said president and directors shall make out the number of certificates of stock that each lot shall be entitled to, for the use and benefit of the said land owners, which said certificate shall have the same effect as certificates given for subscriptions to the stock of the said company.

XI. *And be it further enacted*, That the commissioners appointed by this act to levy the tax on the non-resident lands, and to perform the other duties enjoined on them by this act, shall be allowed and paid by the said president, directors and company, two dollars and fifty cents for each and every day that they shall be necessarily employed in the discharge of the duties of their said appointments.

Allowance to commissioners.

CHAP. CCXY.

AN ACT to appoint commissioners to lay out a road in the counties of Genesee and Allegany.

Passed April 11, 1817.

Commissioners. **Route.** **I.** *BE it enacted by the people of the State of New-York, represented in senate and assembly,* That Elizur Webster, Josiah Churchill and Thomas Dole, or any two of them, be and they are hereby appointed commissioners to lay out a public highway, of the width of four rods, commencing at the great road leading from Canandaigua to Buffalo, within the first range of townships of the land of the Holland land company; thence south through the town of Warsaw, on the best and most practicable route to intersect the Allegany road, and as much further, on a direction to Olean point, as the said commissioners shall think the public good may require.

Commissioners to make oath. **Their duties.** **II.** *And be it further enacted,* That the said commissioners, before they enter upon the duties aforesaid, shall take and subscribe an oath, before a justice of the peace, to lay out said road without favor or partiality; and they shall, after laying out said road, cause to be made an accurate map of the survey of so much of said road as shall fall within the county of Genesee, and cause the same, with the field notes of the survey, to be filed in the clerk's office of said county; and shall cause to be made a like map of the survey of so much of said road as shall fall within the county of Allegany, and cause the same, with the field notes of the survey, to be filed in the clerk's office of said county; and shall also cause a like map and field notes of so much of said road as shall fall within each town, to be filed in the clerk's offices of such towns respectively; and if the said road shall be laid through any improved lands, the damages shall be appraised and paid, and the road opened and improved in the same manner as prescribed in the act to regulate highways; and the commissioners, and their surveyor, shall be allowed each two dollars and fifty cents per day for the time they shall be necessarily employed in the duties aforesaid, and such reasonable sum for the contingent expenses as the supervisors shall direct; and if either of the said commissioners shall do and perform the duties of surveyor, he shall be allowed one dollar per day, in addition to his pay as commissioner as aforesaid.

III. *And be it further enacted,* That the supervisors of the said counties through which the said road may pass, shall audit the account of said commissioners, and cause the same to be assessed, collected and paid, as part of the contingent expenses of said counties: *Provided,* that the sum paid by each county, shall be in proportion to the time expended in laying out said road in such county.

CHAP. CCXVI.

AN ACT *authorising the town of New-Rochelle to receive certain monies.*

Passed April 11, 1817.

WHEREAS by the last will and testament of William Henderson, late of the town of New-Rochelle, deceased, the sum of twelve hundred dollars was bequeathed unto the aforesaid town of New-Rochelle, for the purposes therein mentioned—Therefore,

BE it enacted by the People of the state of New-York, represented in senate and assembly, That Gideon Coggeshall, Matson Smith and John G. Clark, trustees, duly elected and appointed by the said town of New-Rochelle, are hereby authorised and empowered to receive from the executors of William Henderson, late of the said town of New-Rochelle, deceased, such sum or sums of money as, by the last will and testament of the aforesaid William Henderson, is given and bequeathed to the said town of New-Rochelle; and that they, or a majority of them, or their successors, hereafter chosen by the said town of New-Rochelle, have full power to use, lay out and expend said money as by the said will is directed.

CHAP. CCXVII.

AN ACT *relative to the outlet of the Owasco lake, in the county of Cayuga,*

Passed April 11, 1817.

WHEREAS the act declaring, among other things, that the Owasco creek, or outlet of the Owasco lake, shall be a public highway up to the first fall in the same, is uncertain, inasmuch as it is difficult to ascertain where the first fall in said creek or outlet is situated; and the owners of lands adjoining thereto are unable to determine whether the erection of mill dams on certain parts thereof, are obstructions of a public highway or not, to the great detriment of the public interest—Therefore,

BE it enacted by the People of the state of New-York, represented in senate and assembly, That the act declaring the Owasco creek, or outlet of the Owasco lake, now within the bounds of the county of Cayuga, a public highway, shall be so construed as not to prohibit, in any manner, the erection of mill dams across said creek or outlet, wherever the fall in the same is such as to admit of a pond being raised sufficiently high to drive any mill machinery, in the same manner as the owners of the land adjoining said creek or outlet, or flowed thereby, might have done if said law had never been passed.

CHAP. CCXVIII.

AN ACT to raise a further sum to complete the county clerk's office in the village of Utica.

Passed April 11, 1817.

I. *BE it enacted by the people of the State of New-York, represented in senate and assembly,* That it shall be the duty of the supervisors of the county of Oneida, and they are hereby authorised and required, at their next annual meeting, to cause the sum of one thousand dollars to be levied on the freeholders and inhabitants of the said county, together with the additional sum of five cents on each dollar for collecting the same; which said sums shall be raised, levied and collected in the same manner as the other contingent charges of the said county are raised, levied and collected.

II. *And be it further enacted,* That the treasurer of the county of Oneida shall and he is hereby required to pay over to the order of a majority of the commissioners, named in and by an act, entitled "an act authorising the building a fire proof clerk's office in the county of Oneida," passed April 5th, 1816, the sum of money directed to be raised in and by the first section of this act; and when the said clerk's office shall be completed, the accounts shall be presented, audited and allowed as in and by the third section of the said recited act it is provided for.

CHAP. CCXIX.

AN ACT authorising certain taxes, heretofore rejected on certain unsettled lands in the town of Painted-Post, in the county of Steuben, to be charged on the same lands, and for other purposes.

Passed April 11, 1817.

WHEREAS it hath been represented to the legislature, that in the year of our Lord one thousand eight hundred and nine, and in the year one thousand eight hundred and ten, a large quantity of unsettled lands, in the town of Painted-Post, were so imperfectly described by the assessors, that the same could not be located and sold for the arrearages of taxes of those years: Therefore,

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly,* That it shall be the duty of the supervisor of the said town of Painted-Post, for the present year, to ascertain what arrearages of taxes, on unsettled lands in the said town of Painted-Post, were rejected by the comptroller for want of a proper specification of the lands taxed; and after having so ascertained such rejected taxes, and the lands upon which the same were laid, or intended to be laid, specifically to designate the same lands, always excepting such as are now occupied, and to charge the same with the taxes so as aforesaid rejected, in addition to the tax of the present year thereon, and to insert the same in the assessment roll of the present year; and the said rejected taxes, so charged, shall be a

lien on the said lands, and be returned to the comptroller's office, and be chargeable with interest, and the like proceedings be had for the collection thereof, in all respects, as for the tax of the present year.

II. *And be it further enacted*, That the treasurer of the said county of Steuben, upon receiving the said taxes, shall pay the amount thereof to Daniel Goodhue, or so much thereof as shall be necessary to discharge an equitable claim which he has, for making a certain road, under a contract with the commissioners of highways of the said town of Painted-Post.

CHAP, CCXX.

AN ACT for the relief of Jacob Dockstader.

Passed April 14, 1817.

WHEREAS by the act, entitled "an act granting the pre-emption right to certain lands to William Sternbergh," passed March 24th, 1815, the said Sternbergh was authorised to locate two hundred acres on any unappropriated land, belonging to the people of this state, in the late Oneida reservation: *Provided*, that no such location should be made or received on any lot of land, in the said reservation, which, in the opinion of the surveyor general, ought not to be granted; and it appears from the report of the surveyor general, that he permitted said Sternbergh to make such location on any of said lands: *Provided*, that if there were any improvements on the land, so to be located, he should produce proper releases of the same from the Indian occupants thereof; that in order to effect said location, the said Sternbergh procured a release from the said Jacob Dockstader, one of the Indian occupants, of his improvements, for which the said Sternbergh made him a payment in part, and gave written obligations for the residue of the consideration; that there were other improvements on the land described by said Sternbergh, as intended to be located, of which he did not procure a release, and for which the Indian occupants have been paid on the part of the people of this state: *And whereas* it appears from these facts, that the said Sternbergh, through a failure in performing the conditions of the aforesaid act, has forfeited the right thereby intended to be given to him: Therefore,

I. *BE it enacted by the people of the State of New-York, represented in senate and assembly*, That it shall be lawful for the person administering the government of this state, to pay to the said Jacob Dockstader the value of the improvements which were released as aforesaid, as the same has been appraised by the persons for that purpose appointed on the part of the state, deducting therefrom the amount which he has actually received from said Sternbergh in consideration of such release: *Provided*, that he assign to the people of the state the obligations he has received from said Sternbergh for the residue of such consideration; and in that case it shall be lawful for the person administering the government of this state, to cause to be delivered to the said William Sternbergh such obligations, and pay

him the amount which he has actually paid to the said Jacob Dockstader as aforesaid: *Provided*, he the said Sternbergh shall execute a release to the people of this state, for all claim he may have by virtue of, or under pretence of, the aforesaid act.

II. *And be it further enacted*, That it shall be lawful for the comptroller to draw his warrant on the treasurer, for the monies required for the purposes aforesaid.

CHAP. CCXXI.

AN ACT to amend the act, entitled "*an act to annex the town of Colonie to the city of Albany.*"

Passed April 14, 1817.

I. *BE it enacted by the people of the state of New-York, represented in senate and assembly*, That the provisions contained in the eleventh, twelfth, thirteenth, fourteenth, fifteenth and sixteenth sections of the act, entitled "*an act relative to the city of Albany,*" passed the 6th day of April, 1813, shall be and hereby are extended to the fifth ward of the said city, so far as the same relate to opening, extending, widening, straightening or laying out any street or highway, and to pitching, levelling, forming and paving such street or highway, or repairing, cleaning and sweeping, and scraping the same, and to making, scouring and repairing common drains or sewers.

II. *And be it further enacted*, That so much of the third, fourth and fifth sections of the act hereby amended, as relates to the opening, laying out, extending, straightening or mending any street or road in the said fifth ward, be and the same is hereby repealed.

CHAP. CCXXII.

AN ACT to amend an act, entitled "*an act for the inspection of fish.*"

Passed April 14, 1817.

BE it enacted by the people of the State of New-York, represented in senate and assembly, That no pickled or salted fish, in barrels or half barrels, shall be sold or offered for sale within this state, unless put up and inspected in the mode prescribed by the act, entitled "*an act for the inspection of fish,*" passed the 26th day of March, 1813; and that every person who shall sell or offer to sell any pickled or salted fish, contrary to the provisions of this act, shall forfeit, for each barrel thereof, the sum of twelve dollars, and for each half barrel the sum of six dollars, to be recovered, with costs, in the manner prescribed by the fifteenth section of the act hereby amended: *Provided*, that nothing herein contained shall extend to any sale of fish at places where they are usually caught, nor to fish caught in the western district of this state,

CHAP. CCXXIII.

AN ACT to amend the act, entitled "*an act relative to incorporations for manufacturing purposes.*"

Passed April 14, 1817.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That from and after the passing of this act, it shall and may be lawful for any five or more persons, who shall be desirous of forming a company for the purpose of manufacturing Morocco and other leather, to associate together and form such company, according to the directions and restrictions mentioned in the act, entitled "an act relative to incorporations for manufacturing purposes," passed March 22d, 1811; and such company when formed, and their successors, shall be a body politic and corporate, in fact and in name, with all the privileges, capacities and liabilities in said act mentioned and contained: Provided, nevertheless, that no company or companies who shall become a body corporate under this act, shall be allowed to locate their establishment in any other counties than Greene and Delaware: And also, that the capital stock of any such company shall not exceed the sum of sixty thousand dollars: And provided further, that it shall be lawful for the legislature, at any time after two years, to dissolve any incorporations who may be formed under this act.

CHAP. CCXXIV.

AN ACT for the amendment of the incorporation of the Farmers' and Mechanics' manufacturing company, of the town of New-Berlin, in the county of Chenango.

Passed April 14, 1817.

WHEREAS the trustees and stockholders of the Farmers' and Mechanics' manufacturing company, of New-Berlin, in the county of Chenango, have petitioned the legislature for permission to increase their capital stock, from fifty thousand to one hundred thousand dollars, to enable them to go on successfully in their undertaking, which request is deemed reasonable and expedient to grant: Therefore,

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall and may be lawful for the said company, by and with the assent of a majority of the stockholders of the said company, to add to their stock any amount they shall deem necessary and expedient, not exceeding in the whole, including the present capital, one hundred thousand dollars in amount: Provided, that no banking business shall in any manner be carried on by said company.

CHAP. CCXXV.

AN ACT *relative to the Chenango turnpike road.*

Passed April 14, 1817.

Preamble.

WHEREAS the president and directors of the Chenango turnpike road, have under their corporate seal relinquished and surrendered all the right, title and property which the said company have in and to the road mentioned in their charter of incorporation, and the toll bridges thereto belonging, and in particular, the road from Oxford to the Unadilla river, erected by virtue of the act, entitled "an act supplementary to an act, entitled "an act to establish a turnpike corporation, for opening and improving a certain road therein described, within the counties of Oneida and Chenango," passed April 4th, 1803; and also, all the right and authority which the said company have to build, have and hold a toll bridge over the Unadilla river, by virtue of the act aforesaid: Therefore,

Public highway.

I. *BE it enacted by the people of the state of New-York, represented in senate and assembly,* That the above said turnpike road is hereby declared to be a public highway, and that it shall be the duty of the commissioners of highways, in the respective towns of this state through which the Chenango turnpike road passes, to divide the said turnpike road into convenient road districts, and to assess such person or persons as reside on the said road, in the same manner as others are assessed in said towns.

II. *And be it further enacted,* That the provisions of this act shall take effect and be obligatory immediately after the passing of the same, any thing in the act to regulate highways to the contrary notwithstanding.

CHAP. CCXXVI.

AN ACT *to secure public officers against vexatious suits.*

Passed April 14, 1817.

Court or judge may order stay of proceedings.

I. *BE it enacted by the people of the State of New-York, represented in senate and assembly,* That in all cases where any suit at law hath been, or shall be commenced or prosecuted in any of the courts of this state, against any person or persons whatsoever, for any act, matter or thing done or committed by virtue of any commission, authority or appointment whatsoever from the government of the United States, and any person or persons acting in aid or assistance of such officers, by their request, the said court or any judge thereof in vacation, may at his or their discretion, upon application or due proof by affidavit, order a stay of proceedings therein, until the plaintiff shall give, or cause to be given, such security as the said court or any judge thereof may approve, to pay to the defendant all such costs as by any order or judgment of the said court may be awarded, or ordered to be paid to the defendant by the plaintiff in such suit; and if such security shall not be given within such reasonable time as the said court or judge may direct, the said defendant may thereafter

enter a rule for judgment, as in the case of a nonsuit; and in every such suit, it shall and may be lawful for the defendant or defendants to plead the general issue, and give the special matter in evidence on the trial thereof.

When defendant may enter rule for judgment.

II. *And be it further enacted*, That where any suit shall be commenced by any person or persons, as informer or otherwise, to recover any penalty or forfeiture, which penalty or forfeiture, or any part thereof, if recovered, is for the use or benefit of the plaintiff in such suit, such plaintiff shall be liable to the defendant for the costs thereof, if there be a verdict against him, or if he shall discontinue the said suit, be non-suited, or suffer judgment to pass against him by default; and the said court or judge may in their discretion, in all such suits, require the plaintiff to give security for costs in the manner above mentioned.

When plaintiff liable to defendant for costs.

CHAP. CCXXVII.

AN ACT for the relief of Joel Northrop.

Passed April 14, 1817.

WHEREAS, Joel Northrop has expended the sum of twelve hundred dollars, in erecting a bridge over the Seneca river, near Woodworth's ferry, in the town of Cato, in the county of Cayuga, for the accommodation of the public: Now, therefore, to enable the said Joel Northrop to obtain remuneration for the expenditures aforesaid,

Preamble:

I. *BE it enacted by the people of the state of New-York, represented in senate and assembly*, That it shall be lawful for the said Joel Northrop, his heirs and assigns, after the first day of May next, to demand and receive from all persons passing said bridge, the following rates of toll, to wit: For every waggon with two horses, mules, or oxen, twelve and an half cents, and for every additional horse, mule or ox, three cents; for every one horse cart, nine cents; for every coach, coachee, curricule or phaeton with two horses, twenty-five cents; for every sulkey, chaise, chair, or other pleasure carriage drawn by one horse, twelve cents; for every cart drawn by two oxen, twelve cents, and for every additional yoke, six cents; for every horse and rider, six cents, and for every led horse, three cents; for every sleigh or sled drawn by one horse or mule, six cents; for every sleigh or sled drawn by two horses, mules or oxen, twelve cents; for every additional horse, mule or ox, three cents; for every footman, three cents; for every score of horses, mules or oxen, twenty-five cents, and so in proportion for a greater or lesser number; and for every score of sheep or hogs, twenty cents, and so in proportion for a greater or less number: *Provided*, nothing herein contained shall authorise the said Joel Northrop to demand and receive toll for the passing of the said bridge from any person who has contributed towards building the same.

Toll.

Proviso.

II. *And be it further enacted*, That the said Joel Northrop, his heirs and assigns, may erect and continue at either end of the said bridge, within the bounds of the highway, a gate and toll house of sufficient size and dimensions to facilitate the collection of toll.

Exhibit annually his account to judges.

III. *And be it further enacted*, That the said Joel Northrop, his heirs and assigns, shall annually exhibit to the judges of the court of common pleas, of the county of Cayuga, on oath, a correct and a true account of the income of said bridge arising from toll, with the annual disbursements for repairs and taking care thereof.

When bridge vested in state.

IV. *And be it further enacted*, That when the said Joel Northrop shall have received the said sum of twelve hundred dollars, and be fully compensated for all monies he may have expended for repairs done to and taking care of said bridge, together with interest thereon, at the rate of seven per centum per annum; thereupon, the right, interest and property of said bridge shall be vested in the people of this state, and be and remain at their disposal.

CHAP. CCXXVIII.

AN ACT for the relief of Matthias Schnip.

Passed April 14, 1817.

WHEREAS, Matthias Schnip, of the city of New-York, rigger, hath by his petition, represented, that doubts exist in the opinion of council, whether his title be perfect and complete to all that certain messuage and lot of ground, now in his actual possession, situate in the eighth ward of the city of New-York, being part of the lands formerly belonging to Nicholas Bayard, Esquire, and known and distinguished in a map or chart made by Francis Marschalk, formerly city surveyor, by the name and description of lot number two hundred and fifty-four; bounded northerly by the road or street now called Broome-street; westerly by lot number two hundred and fifty-five; southerly by lot number two hundred and fifty-three, and easterly by Elizabeth-street; unless the legislature release to the said Matthias all the right, title and interest which the people of this state may have, of, in and to the said premises: Therefore,

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That all the right, title and interest of the people of this state, in and to the aforesaid lot of ground, with the appurtenances, be and the same is hereby vested in the said Matthias Schnip, his heirs and assigns: *Provided always*, that nothing herein contained shall be construed to prejudice the right or title of any other person in and to the said lot with the appurtenances.

CHAP. CCXXIX.

AN ACT for the relief of the actual settlers on lands sold by this state in the eastern district.

Passed April 14, 1817.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the collection of both principal and interest due to the people of this state, for or on account of the

purchase monies for lands sold pursuant to the act, entitled "an act concerning the commissioners of the land office and the sale of the unappropriated lands," in the eastern district, to actual settlers, be and the same is hereby suspended for one year, from and after the first day of July next: *Provided always*, and the provision of this act is upon condition, that the debtors aforesaid, who are actual settlers on the land so as aforesaid purchased, shall pay the one half of the interest owing by them to the said people of this state in six months, and the residue in twelve months from the passing of this act; and, that this act shall not be construed to extend to any persons excepting actual settlers.

CHAP. CCXXX.

AN ACT in addition to an act, for the appointment of commissioners to fix a site for a court house and gaol in the county of Saratoga.

Passed April 14, 1817.

BE it enacted by the people of the State of New-York, represented in senate and assembly, That the commissioners appointed in and by an act, entitled "an act to fix the site of a court house and gaol in the county of Saratoga," are hereby authorised and empowered, to fix the site of the said court house and gaol at any time after the passage of this act, and before the first day of August next, any thing in the said act to the contrary notwithstanding.

CHAP. CCXXXI.

AN ACT in addition to an act, entitled "an act appointing commissioners to lay out the road therein mentioned, within the counties of Lewis and Jefferson, passed April 17th, 1816."

Passed April 14, 1817.

BE it enacted by the people of the state of New-York, represented in senate and assembly, That it shall be lawful for the comptroller to draw his warrant upon the treasurer, for the payment of the commissioners appointed in and by the act, entitled "an act appointing commissioners to lay out the road therein mentioned, within the counties of Lewis and Jefferson, passed April 17th, 1816," the amount of the tax authorised to be assessed, collected and paid, for the purpose of opening and making the said road, as the same may have been or shall be returned to the comptroller's office, or the balances remaining unpaid thereof; and the said tax, after the advance thereof as aforesaid, be chargeable with interest, at and after the rate of fourteen per centum per annum, until paid, or until the land shall be sold therefor.

CHAP. CCXXXII.

AN ACT *authorising John Joslin to lay out certain money on the state road on the Oneida Reservation.*

Passed April 14, 1817.

I. *Be it enacted by the people of the State of New-York, represented in senate and assembly,* That John Joslin, of the county of Madison, be and he is hereby appointed commissioner, for the purpose of improving the state road, on the Oneida Reservation, between the Oneida creek and the Chiteningo creek.

II. *And be it further enacted,* That Sylvanus Smalley and Zebulen Douglas, of the county of Madison, are hereby authorised and required, to pay over to the said John Joslin, any money they may have in their hands unappropriated, being surplus money granted to them as commissioners for the purpose of building a bridge across the Oneida creek, and a bridge across the Chitteningo creek.

III. *And be it further enacted,* That the commissioner appointed by this act is authorised to expend on said road, all the money he may receive by virtue of the second section of this act, and no more; and that the commissioner shall be allowed one dollar and fifty cents per day, for each and every day he may be employed by virtue of this act; and that it shall be the duty of the commissioner to perform the duties contemplated by this act, before the first day of November next, and to account with the comptroller for the said money, on or before the third Tuesday in January next.

CHAP. CCXXXIII.

AN ACT *to amend an act, entitled "an act to regulate the culling of staves and heading."*

Passed April 14, 1817.

Fees of inspector-general.

Cullers' fees in New-York.

I. *BE it enacted by the people of the state of New-York, represented in senate and assembly,* That the inspector-general of staves and heading, shall be entitled to receive, on every thousand merchantable staves and heading which shall be culled in the city and county of New-York, ten cents, one half to be paid by the buyer, the other half by the seller; and for all such staves and heading as are culled out, and not merchantable, he shall be entitled to receive of the proprietor thereof, the one half of the above mentioned compensation: and the cullers of staves and heading in the city and county of New-York, shall be entitled to receive, as a compensation for culling every thousand pipe staves, the sum of seventy cents; for every thousand hoghead staves and heading, the sum of sixty cents; for every thousand barrel staves, the sum of fifty cents; for every thousand long butt staves, the sum of one dollar and fifty cents; for every thousand short butt staves, the sum of one dollar and twenty-five cents, and no more; one half to be paid by the buyer, and the other half by the seller; and for all such staves and heading as are culled out, and not merchantable, they shall be entitled to receive of the proprietor thereof, the one half of the price of the culling of

merchantable staves or heading : and the cullers in the other cities and counties of this state shall be entitled to receive, as a compensation for culling every thousand pipe staves, the sum of fifty cents; for every thousand hogshead staves or heading the sum of thirty-seven and an half cents; for every thousand barrel staves, the sum of twenty-five cents; and for every thousand long butt staves, one dollar and twenty-five cents; and for every thousand short butt staves, the sum of one dollar, and no more, allowing twelve hundred staves or heading to the thousand; the one half to be paid by the buyer and the other half by the seller: and for all such staves or heading as are culled out, and not merchantable, the cullers shall be entitled to receive of the proprietor thereof, the one half the price of culling merchantable staves or heading.

II. *And be it further enacted*, That all white oak hogshead heading shall be two feet eight inches long, and shall not be less than five inches broad, clear of sap, two thirds of which shall be fit for middle pieces, and shall not be less than three-fourths of an inch thick on the thin edge, and be otherwise good and sufficient; any thing in the act hereby amended to the contrary notwithstanding.

III. *And be it further enacted*, That it shall be the duty of the inspector-general of staves and heading, to furnish the different cullers of staves and heading, in the city of New-York, with a copy of the law to regulate the culling of staves and heading: *And further*, that the said inspector-general shall be subject to pay a fine of ten dollars, for every wilful neglect or omission in carrying said law into effect, to any person who shall prosecute for the same, before any court having cognizance thereof.

IV. *And be it further enacted*, That the sixth section of the act, entitled "an act to regulate the culling of staves and heading," passed March 26th, 1813, be and the same is hereby repealed.

Hogshead heading.

Duty of inspector general.

6th section of former act repealed.

CHAP. CCXXXIV.

AN ACT to authorise the supervisors of the county of Madison to raise money by tax, for the purpose of building a bridge across the Mill Pond, in the village of Cazenovia.

Passed April 14, 1817.

BE it enacted by the people of the State of New-York, represented in senate and assembly, That it shall be the duty of the supervisors of the county of Madison, at their next annual meeting, to levy and raise by tax, on the freeholders and inhabitants of the town of Cazenovia, in the county of Madison, the sum of fifteen hundred dollars, to be paid to commissioners of highways for the town of Cazenovia, for the purpose of building a bridge across the Mill Pond, in the village of Cazenovia, in the county of Madison.

CHAP. CCXXXV.

AN ACT for regulating the sheriff's fees in the counties of Chautauque and Niagara.

Passed April 14, 1817.

BE it enacted by the people of the state of New-York, represented in senate and assembly, That the mileage fees allowed by law to the sheriffs of the counties of Chautauque and Niagara, for serving all writs and other process, shall, from and after passing this act, be computed from the court house in each of the said counties.

CHAP. CCXXXVI.

AN ACT for improving certain roads in the county of Genesee.

Passed April 14, 1817.

Duty of assessors.

I. BE it enacted by the people of the state of New-York, represented in senate and assembly, That it shall be the duty of the assessors of the several towns in the county of Genesee, through which the road laid out by an act, entitled "an act authorising commissioners to lay out a road from Batavia to the lower bridge over the Genesee river," passed April 17th, 1815, and the road laid out by an act, entitled "an act appointing commissioners to lay out the road therein mentioned, from the bridge crossing the Genesee river, opposite the village of Rochester, to the four corners on the ridge road, in the town of Murray," passed April 17th, 1816, passes; and they are hereby authorized and directed, at their next annual assessment, to make out an accurate list of all the lots of land, with the owners of the same, wherever it can be done, stating the number of acres so owned, lying immediately adjacent to, and on each side of said roads, to the distance of one mile back from each side of said roads, respectively, and to deliver a true copy of such lists, so made out, to the board of supervisors of said county, at their next succeeding meeting.

List of lots shall be made out.

Duty of supervisors.

II. And be it further enacted, That it shall be the duty of the board of supervisors aforesaid, as soon after receiving such list as may be, to assess and lay a tax, and make out a tax roll, and apportion the same on each and every acre of land lying contiguous to and on each side of said roads, for the distance of one half mile back from said roads, not to exceed four cents per acre; and also for each acre of land lying as aforesaid, from the distance of one half mile to the distance of one mile back from said roads, respectively, a similar tax, not to exceed two cents per acre, on each and every acre so lying.

Collectors duty.

III. And be it further enacted, That it shall be the duty of the supervisors, to deliver such tax list, made out as aforesaid, to the collectors of the several towns in which said lands so taxed, may lie; and it shall be the duty of the said collector, to collect the aforesaid tax, at the same time and in the same manner as the other county taxes are collected, making similar returns, with the like effect, upon the default of non-residents; and that said collector shall receive

the same fees for collecting such tax as they are allowed by law for collecting other taxes.

IV. *And be it further enacted*, That the collectors aforesaid shall, as soon as they have collected the said tax, pay over the amount of the same to the commissioners of highways, for each and every town in the said county of Genesee, through which said roads run; and the said commissioners shall direct the overseers of highways of the several road districts, through which said roads may run, to cause the amount of said tax, so apportioned, to be laid out and expended solely and entirely for the improvement of the said roads respectively.

Collectors
pay tax to
commissioners
etc.

IV. *And be it further enacted*, That it shall and may be lawful for the overseers of highways aforesaid, to permit any person whose land is taxed, by virtue of this act, to work on the said road to the amount of said tax such person may be so assessed; and the overseer's order for such work, on the collector, shall be received by the said collector, as money for the amount of such tax; *Provided*, such order is not larger than the amount of tax so assessed upon such person.

Duty of over-
seers of
highways.

V. *And be it further enacted*, That this act shall continue in force, and said tax collected and expended as aforesaid, for two years, and no longer.

CHAP. CCXXXVII.

AN ACT in addition to an act, entitled "an act to enlarge Herkimer county.

Passed April 14, 1817.

BE it enacted by the people of the State of New-York, represented in senate and assembly, That all suits, processes and legal proceedings, whether civil or criminal, which have already been, or before the second day of May next, shall have been commenced or instituted in any of the courts in the county of Montgomery, shall be continued, proceeded in and concluded, in all respects, and to all intents and purposes, as well in the cases of executions as otherwise, in the same manner, and with the like effect as the same would or might have been continued, proceeded in and concluded, if the act to which this act is an addition, had not been passed; any thing in the said act contained to the contrary notwithstanding.

CHAP. CCXXXVIII.

AN ACT to amend an act, entitled "an act to reduce several laws relating particularly to the city of New-York, into one act."

Passed April 14, 1817.

I. *BE it enacted by the people of the state of New-York, represented in senate and assembly*, That it shall and may be lawful to and for his excellency the governor, or person administering the government of this state, for the time being, by and with the advice and

30 branch pilots may be appointed.

consent of the council of appointment, to appoint and commission, as often and from time to time, as to such council may seem necessary, a sufficient number of fit and proper persons, not to exceed thirty in the whole, to be branch pilots of the port of New-York, so far as relates to the pilotage of ships and vessels to and from the said port by the way of Sandy-Hook: *Provided nevertheless*, that no person shall be commissioned as a branch pilot, until he shall have obtained a certificate from the master and wardens of the said port, or any three of them, under their hands, that he is duly qualified for such office: *And provided further*, that the said branch pilots, so appointed, conform in all things to the law hereby amended as licensed pilots are therein required to do.

Proviso.

Duty of Sandy-Hook pilots.

II. *And be it further enacted*, That it shall and may be lawful for the Sandy-Hook pilots now acting, and those who may hereafter from time to time be appointed, to elect one pilot from each pilot boat, engaged in the service of said Sandy-Hook pilotage, who together shall form a committee, whose duty it shall be to regulate the business of the pilots in said service, and to report, from time to time, any and all delinquents who shall neglect their duty, or be guilty of any impropriety in their office; and the said committee shall also inspect the conduct of the apprentices and boat keepers engaged in such service, and see that they are well instructed in their profession; and at the close of their apprenticeship, it shall be the duty of said committee to report such apprentices and boat keepers, as are found worthy of becoming deputy pilots, to the board of wardens of the city of New-York; and that no person shall be appointed to the office of a deputy pilot in said service, who shall not have been so reported to the said wardens.

Deputy pilots, how qualified.

III. *And be it further enacted*, That no person whatever shall be eligible to the office of a deputy pilot in the said service, unless such person shall have served an apprenticeship of at least five years in succession in the said service, under lawful indentures and under one or more of said branch pilots: *Provided nevertheless*, that apprentices who are such, at or before the passing of this act, and shall serve out their apprenticeship, agreeable to the terms of their indentures, shall be eligible to the office of a deputy pilot; any thing in this section of this act to the contrary notwithstanding.

Proviso.

Additional allowance.

IV. *And be it further enacted*, That all vessels now subject to pilotage, shall pay twenty-five cents per foot in addition to the pilotage already allowed by law, for coming into and going out of the port of New-York, by the way of Sandy-Hook.

British vessels.

V. *And be it further enacted*, That British vessels, coming directly from any port or ports in Great Britain or Ireland, shall not, during the existence of the present treaty between the United States and the united kingdom of Great Britain and Ireland, be subject to pay the additional pilotage allowed by the act, entitled "an act relative to the pilots of the port of New-York," passed 10th April, 1813; but that the provision shall not extend to British vessels of any other description.

Pilots may appeal.]

VI. *And be it further enacted*, That the pilots of the port and harbor of New-York, in said service, shall have a right of appeal from the decision of the wardens, in all cases whatsoever; that the said appeal shall be made to the mayor or recorder of the city of

New-York, or the governor of this state, in like manner as is prescribed by the two hundred and eighty-fourth section of the act hereby amended, and that the time allowed for making such appeal shall be fifteen days.

VII. *And be it further enacted*, That the half pilotage authorised and directed to be paid to pilots in said service, in and by the two hundred and ninety-eighth section of the act hereby amended, shall be paid to the before mentioned committee of pilots, who are hereby authorised and directed to pay the same (when thereunto required) to the trustees of the pilots' charitable society; and if not thereunto required by the said trustees, to appropriate the same in such manner as to them shall seem best, for the relief of distressed pilots, and of the widows and children of deceased pilots.

CHAP. CCXXXIX.

AN ACT to incorporate the members of the religious society of Roman Catholics belonging to the congregation of St. Patrick's Cathedral, in the city of New-York.

Passed April 14, 1817.

WHEREAS the members of the Roman Catholic religious society belonging to St. Peter's church and to St. Patrick's cathedral, in the city of New-York; have presented their petition to the Legislature, setting forth that it is the desire of the petitioners that distinct acts of incorporation should be passed for each of them, the said church and the said cathedral, to the end that each may separately manage and direct the temporalities unto each belonging: *And whereas* doubts have arisen whether the members belonging to the said church and to the said cathedral can form separate incorporations without the intervention and sanction of the legislature, inasmuch as the said church and the said cathedral are now and have been heretofore incorporated jointly, under the act, entitled "an act to provide for the incorporation of religious societies," passed April 5th, 1813; *and whereas* the legislature deems it proper to grant the prayer of the said petition: Therefore,

I. *Be it enacted by the People of the State of New-York, represented in senate and assembly*, That the members of the religious society of Roman Catholics, belonging to the congregation of St. Patrick's cathedral, in the city of New-York, now or at any time hereafter are, and from and immediately after the passing of this act, shall be and are hereby erected into a body politic and corporate, in fact and in law, by the name, style and description of "the trustees of St. Patrick's cathedral, in the city of New-York," and that the said trustees and their successors, to be elected as hereinafter ordered and directed, and not otherwise, by the name and style aforesaid, and to the number as hereinafter prescribed, shall have perpetual succession, and shall be entitled and are hereby authorised and empowered, to take into their possession and custody, and to hold, possess and enjoy all that portion of the joint property and estate, both real and personal, in law or in equity, in reversion or remainder, which belongs to such cathedral, or the said congregation or religious society, whether such real estate may have been given,

granted or devised, or whether such personal estate may have been given or devised directly to such cathedral or congregation, or to any other person or persons, body or bodies corporate, for the use of such cathedral or congregation or religious society, and to hold, recover and enjoy all the debts, demands, rights and privileges, and the said cathedral and burying place thereto adjoining, with all the appurtenances and all the estates belonging to such cathedral, congregation or society, in whatsoever manner the same may have been acquired, or in whose name soever the same may have been held, as fully and amply as if the right or title thereto had originally been vested in the said trustees: *And further*, that the said trustees and their successors shall be capable in law to purchase, take, have, hold, receive and enjoy to themselves and their successors forever, in fee simple, or by any lesser title, any estate or interest in any lands, tenements or hereditaments, and the rents, issues and profits thereof, the yearly income or rent of which shall not exceed in the whole the sum of ten thousand dollars, whether the same be by gift, grant, bargain or sale, and also to purchase, take, hold, possess and enjoy any monies or other personal estate whatsoever, by gift, grant, bargain and sale, bequest or otherwise, and the same lands, tenements and hereditaments or personal estate, to give, grant, demise, lease or otherwise dispose of, as to them shall appear proper, just or lawful, according to the best of their judgment, for the use, benefit and advantage of the said cathedral and congregation: *Provided*, that nothing herein contained shall authorize the said trustees to sell the real estate unto the said cathedral or congregation belonging, without the concurrence of the chancellor, to be first had and obtained in the manner required by law: *And also*, that the said trustees and their successors, by the name aforesaid, shall be able and capable in law or equity to sue and be sued, to plead and be impleaded, to defend and be defended, in any court or courts, in as full and effectual a manner as any other persons or corporation within this state may or can do.

Proviso.

II. *Be it further enacted*, That it shall be lawful for the said trustees and their successors to make, have and use one common seal, with such device and inscription as they may think proper, and the same to break, alter or renew at pleasure; and the said trustees and their successors, by their name aforesaid, shall have, hold and enjoy all and singular the rights, privileges, liberties, franchises and protection, for themselves and their said cathedral and congregation, incident and belonging to a private religious incorporation or body politic within this state.

Common seal

III. *And be it further enacted*, That the right reverend Roman Catholic bishop, in the city of New-York, for the time being, shall ever be considered ex-officio the president of the board of trustees: *Provided nevertheless*, that in the case of the absence or death of the said right reverend Roman Catholic bishop, the said board of trustees shall have the power to appoint a chairman pro tempore: *And further*, that the first trustees of the said corporation shall be composed of the following persons, viz.: Thomas Stoughton, Andrew Morris, Benjamin Disanbry, Michael Bannan, David Atkinson, James R. Mullany, Thomas Glover, Anthony Duff and Joseph Idley; which persons shall continue in office until Easter Mon,

President.

Trustees.

day, in the year of our Lord one thousand eight hundred and eighteen: *And further*, that nine lay-members of the said congregation, worshipping in and contributors to the said cathedral, shall be appointed and elected in manner and form as follows, that is to say: it shall be the duty of all the male persons of full age belonging to the said cathedral, or so many of them as think proper to attend, being pew-holders or stated hearers, and contributing to the said cathedral not less than four dollars annually, in quarterly payments, and not more than six months in arrear, to meet on Easter Monday, in the year of our Lord one thousand eight hundred and eighteen, between the hours of eleven o'clock in the forenoon and three o'clock in the afternoon, and elect nine lay trustees by ballot, at such place in the said city, and under such directions as shall be agreed upon by the board of trustees, whereof due notice shall be given three Sundays successively in said cathedral during divine service, and immediately preceding said election; and the trustees elected as herein last above mentioned, shall continue in office for three years from the day of their election; and immediately after such election, the said trustees shall divide themselves into three classes, numbered one, two, three, and the seats of the members of the first class shall be vacated at the expiration of the first year, and the members of the second class at the expiration of the second year, and the members of the third class at the expiration of the third year, to the end that the third part of the whole number of trustees may be chosen annually, who shall not be eligible again under one year after the expiration of their term; and elections for trustees after the first shall be held on Easter Monday, in every year, between the hours of eleven o'clock in the forenoon and three o'clock in the afternoon, by ballot, at such place in the said city, and under such directions as shall be agreed upon by the board of trustees, or a majority of them, whereof due notice shall be given in like manner three Sundays successively in said cathedral, during divine service, and immediately preceding such election; and the three trustees so elected annually to fill such vacancies, shall in like manner with the trustees first elected continue in office for three years; and the electors at all such subsequent elections, shall possess the same qualifications, and contribute in like manner, as the electors for the first election; and it shall be the duty of the said trustees to keep a book to register all the names of the electors so qualified, and to produce such book at the elections, in order to test the qualifications of the electors, in case the same should be questioned; and if any vacancy happen in the office of trustee by resignation, death or otherwise, the remaining trustees may make temporary appointments until the next annual election, which appointments shall then fill such vacancies, to the end that no elector may give more than one vote in the same year, except he is a trustee and votes to supply a vacancy as aforesaid.

Elections,
how conducted.

3 classes of
trustees.

To register
names.

Treasurer &
clerk.

IV. *And be it further enacted*, That the trustees shall appoint out of their number a suitable person for the office of treasurer, and may elect a clerk from the members generally; and it shall be the duty of the clerk to keep the minutes of all their proceedings, in a book kept for that purpose; and the said treasurer shall exhibit a full, true and just account, quarter yearly, to the board of trustees, of the state of the funds of the said cathedral, and of the free school

Auditors.

thereunto belonging; and the said electors shall likewise, at every election for trustees, elect two of the said congregation, who are entitled to a vote as auditors, to inspect and examine the treasurer's books, whose duty it shall be to make a report to the congregation, giving a statement of the funds of the said cathedral, and the free school thereunto belonging; the treasurer to give security for the faithful performance of his trust, in such sum as the said trustees shall think proper.

Trustees of the two churches.

V. *And be it further enacted*, That the trustees of St. Patrick's cathedral aforesaid, shall assume and become responsible, and they are hereby made liable, jointly with the trustees of St. Peter's church in the city of New-York, for the debts, bonds, notes and other demands which the trustees of St. Peter's church in the city of New-York have heretofore contracted and are now liable for; and the estate, real and personal, the funds, revenues and receipts of each of the aforesaid churches be and continue and remain pledged and liable for the final liquidation, redemption and extinguishment of the responsibilities heretofore incurred by the trustees of St. Peter's church last aforesaid, and that an account of the revenue and expenditures of either church shall be mutually rendered by the trustees of each church to the trustees of the other church at the end of every year, at which time the surplus funds of both and either of them shall, after deducting all necessary expences, be delivered and paid over towards the payment and satisfaction of the responsibilities and pecuniary engagements incurred as aforesaid, until the same shall be satisfied and extinguished.

Trustees to meet, &c.

VI. *And be it further enacted*, That it shall and may be lawful for the trustees of St. Patrick's cathedral aforesaid, and their successors, from time to time, as occasion may require, at the call of any two of such trustees, to meet together for the purpose of transacting the business of the society under their care; and of the time and place of such meeting due notice shall be given to all the said trustees at least one day before the said meeting, (excepting in cases of emergency) and if five of said trustees shall attend, they shall form a quorum or board of trustees, and shall have power, by a majority of votes, to make, ordain and establish such rules, orders and regulations, for the management of the temporal concerns of the said congregation, and for the government of the schools attached to the said cathedral, as to them shall seem just and proper: *Provided*, that such orders and regulations be not repugnant to the laws and constitution of this state or of the United States: *Provided also*, that the said trustees shall not enter into any expences, other than the ordinary contingent and necessary expences, without the consent and concurrence of the trustees of St. Peter's church, in the city of New-York, first to be had and obtained, until the final extinguishment and satisfaction of all debts, responsibilities and engagements heretofore incurred by the said trustees of St. Peter's church, and hereby assumed in equal portions by the trustees of the said church last mentioned and of the said cathedral herein mentioned.

When they may be re-incorporated.

VII. *And be it further enacted*, That in case of a dissolution of this corporation, or forfeiture of its charter by means of any non-user or neglect to exercise any of the powers now given, it shall be lawful for the said congregation, having a right to vote at elections, to

cause themselves and this society to be re-incorporated in the mode prescribed by the laws of this state, under the present charter of incorporation; and thereupon all the real and personal property which did belong to such dissolved corporation at the time of its dissolution, and all property given or granted for the benefit of such corporation, congregation or religious society, shall vest in such new incorporation for the said society.

VIII. *And be it further enacted*, That the joint incorporation of St. Peter's church and of St. Patrick's cathedral, now existing in the city of New-York, under the name, style and description of "the trustees of St. Peter's church in the city of New-York," be and the same is hereby dissolved: *Provided*, that all grants or gifts of property, real or personal, heretofore made for the benefit of the said trustees of St. Peter's church in the city of New-York, or for the benefit or advantage of the religious societies incorporated under the name last mentioned, and all acts of the legislature of this state heretofore passed for the benefit thereof, be and the same are hereby ratified and confirmed.

Joint incorporation dissolved.

CHAP. CCXL.

AN ACT for the encouragement of domestic manufactures of woollen cloth.

Passed April 15, 1817.

Be it enacted by the people of the state of New-York, represented in senate and assembly, That the second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh and twelfth sections of the act, entitled "an act for the encouragement of manufactures of woollen cloth, and for other purposes," passed June 19th, 1812, be and they are hereby revived.

CHAP. CCXLI.

AN ACT to enable Clement C. Clark to sell certain lands therein mentioned.

Passed April 15, 1817.

WHEREAS Mary Clarke, of the city of New-York, by her last will and testament, made and published in due form of law, devised to Elizabeth Mannsell, Benjamin Moore and Charity his wife, and to the survivor and survivors of them, two certain lots of land, containing together about thirty acres, situate at Greenwich, near the late residence of the said Mary Clarke, on the opposite side of Greenwich road, in trust for the use of Clement C. Clarke, the grand son of the said Mary, during his natural life, and from and after his death, in further trust to convey the same to his lawful issue living at his decease, and if then without such issue, in farther trust to convey the same to Clement C. Moore, the son of the said Benjamin Moore: *And whereas* the said estate, so devised, has, since the decease of

recompiled

CHAP. CCXXXII.

AN ACT *authorising John Joslin to lay out certain money on the state road on the Oneida Reservation.*

Passed April 14, 1817.

I. *Be it enacted by the people of the State of New-York, represented in senate and assembly,* That John Joslin, of the county of Madison, be and he is hereby appointed commissioner, for the purpose of improving the state road, on the Oneida Reservation, between the Oneida creek and the Chiteningo creek.

II. *And be it further enacted,* That Sylvanus Smalley and Zebulen Douglas, of the county of Madison, are hereby authorised and required, to pay over to the said John Joslin, any money they may have in their hands unappropriated, being surplus money granted to them as commissioners for the purpose of building a bridge across the Oneida creek, and a bridge across the Chitteningo creek.

III. *And be it further enacted,* That the commissioner appointed by this act is authorised to expend on said road, all the money he may receive by virtue of the second section of this act, and no more; and that the commissioner shall be allowed one dollar and fifty cents per day, for each and every day he may be employed by virtue of this act; and that it shall be the duty of the commissioner to perform the duties contemplated by this act, before the first day of November next, and to account with the comptroller for the said money, on or before the third Tuesday in January next.

CHAP. CCXXXIII.

AN ACT *to amend an act, entitled "an act to regulate the culling of staves and heading."*

Passed April 14, 1817.

Pres of in-
spector-gene-
ral.

Cullers' fees
in New-York.

I. *BE it enacted by the people of the state of New-York, represented in senate and assembly;* That the inspector-general of staves and heading, shall be entitled to receive, on every thousand merchantable staves and heading which shall be culled in the city and county of New-York, ten cents, one half to be paid by the buyer, the other half by the seller; and for all such staves and heading as are culled out, and not merchantable, he shall be entitled to receive of the proprietor thereof, the one half of the above mentioned compensation: and the cullers of staves and heading in the city and county of New-York, shall be entitled to receive, as a compensation for culling every thousand pipe staves, the sum of seventy cents; for every thousand hogshead staves and heading, the sum of sixty cents; for every thousand barrel staves, the sum of fifty cents; for every thousand long butt staves, the sum of one dollar and fifty cents; for every thousand short butt staves, the sum of one dollar and twenty-five cents, and no more; one half to be paid by the buyer, and the other half by the seller; and for all such staves and heading as are culled out, and not merchantable, they shall be entitled to receive of the proprietor thereof, the one half of the price of the culling of

merchantable staves or heading : and the cullers in the other cities and counties of this state shall be entitled to receive, as a compensation for culling every thousand pipe staves, the sum of fifty cents; for every thousand hogshead staves or heading the sum of thirty-seven and an half cents; for every thousand barrel staves, the sum of twenty-five cents; and for every thousand long butt staves, one dollar and twenty-five cents; and for every thousand short butt staves, the sum of one dollar, and no more allowing twelve hundred staves or heading to the thousand; the one half to be paid by the buyer and the other half by the seller : and for all such staves or heading as are culled out, and not merchantable, the cullers shall be entitled to receive of the proprietor thereof, the one half the price of culling merchantable staves or heading.

II. *And be it further enacted*, That all white oak hogshead heading shall be two feet eight inches long, and shall not be less than five inches broad, clear of sap, two thirds of which shall be fit for middle pieces, and shall not be less than three-fourths of an inch thick on the thin edge, and be otherwise good and sufficient; any thing in the act hereby amended to the contrary notwithstanding.

Hogshead heading.

III. *And be it further enacted*, That it shall be the duty of the inspector-general of staves and heading, to furnish the different cullers of staves and heading, in the city of New-York, with a copy of the law to regulate the culling of staves and heading: *And further*, that the said inspector-general shall be subject to pay a fine of ten dollars, for every wilful neglect or omission in carrying said law into effect, to any person who shall prosecute for the same, before any court having cognizance thereof.

Duty of inspector general.

IV. *And be it further enacted*, That the sixth section of the act, entitled "an act to regulate the culling of staves and heading," passed March 26th, 1813, be and the same is hereby repealed.

6th section of former act repealed.

CHAP. CCXXXIV.

AN ACT to authorise the supervisors of the county of Madison to raise money by tax, for the purpose of building a bridge across the Mill Pond, in the village of Cazenovia.

Passed April 14, 1817.

BE it enacted by the people of the State of New-York, represented in senate and assembly, That it shall be the duty of the supervisors of the county of Madison, at their next annual meeting, to levy and raise by tax, on the freeholders and inhabitants of the town of Cazenovia, in the county of Madison, the sum of fifteen hundred dollars, to be paid to commissioners of highways for the town of Cazenovia, for the purpose of building a bridge across the Mill Pond, in the village of Cazenovia, in the county of Madison.

ought to be made, the directors for the time being shall continue to be directors, until others be elected; and this act is hereby declared to be a public act, and shall be favorably and benignly construed in all courts and places.

Banking pro-
hibited.

V. *And be it further enacted*, That nothing herein contained shall be taken to authorise the said corporation to employ any part of their capital for banking purposes: *Provided*, that the legislature, shall at any time hereafter, have power to alter or amend this act at their pleasure.

CHAP. CCXLIII.

AN ACT to enable certain persons to purchase, take, hold and convey real estate within this state.

Passed April 15, 1817.

Preamble.

WHEREAS it has been represented to the legislature, that Alexander Ellice, late of the city of London, deceased, died seized of a considerable real estate within this state, leaving his widow, Ann Ellice, and his children, William Ellice, George Ellice, Alexander Ellice, Junior, Russell Ellice, Mary Martha Ellice, Helena Ann Ellice and Catharine Ellice, his devisees and heirs, and that for the more easy division of the said estate, the said widow and other children above named, are desirous to grant, bargain and convey their right, title and interest in and to the aforesaid real estate, to the above named Edward Ellice, his heirs and assigns, with intent, that he and they may be enabled to grant, bargain, sell and convey the same in fee simple; but that by reason of the alienism of the said Edward Ellice, he is disabled to take by purchase the right and title of his co-devisees and heirs in and to the said real estate: Therefore,

E. Ellice
may purchase from
his co-devisees, &c.

I. *BE it enacted by the people of the state of New-York, represented in senate and assembly*, That the said Edward Ellice shall be, and hereby is enabled to take by purchase, from his co-devisees and heirs, to him, his heirs and assigns, all their right, title and interest in and to the real estate whereof the said Alexander Ellice died seized, situate within this state; and that it shall be lawful for the said Edward Ellice, his heirs and assigns, to grant, bargain, sell, convey and dispose of the same to any person or persons who are authorised by law to purchase and hold real estate within this state, in like manner as natural born citizens: *Provided always*, that it shall not be lawful for the said Edward Ellice, or his heirs, to demise any part of the said real estate for any term, or to charge the same with any rent.

II. *And be it further enacted*, That Adam Dixon, of the city of Albany, Thomas F. Popham, Daniel W. Christman, Thomas Hind, William Briggs, George Parish, William Theobald Wolfe Tone, Eliza Mary Upton, Francis Dundas Upton, Ann Caroline Upton, Patrick German, Michael German, Edward German, James Smith, Robert Bowser, James Greene, John Mailer, George Burrell, William Brown, David Moore, David McCrary, Thomas Shortland,

Alexander Wilson, James Agett, Augustus Pardessus, Charles Augustus Dale, William Wells, George Miller, Jeannie Marie Roulett, wife of John S. Roulett, James Brown, John Williams, Bernard F. Traynier, Frederick Stephens, Bartholomew Hounsfield, James Turkinton and Joseph Rogers, shall be and hereby are respectively enabled to take real estate within this state, either by descent or purchase, and to hold and dispose thereof in like manner as natural born citizens, and that the title to any lands, tenements or hereditaments, heretofore purchased or acquired as aforesaid, by any of the above named persons, shall not be impeached or defeated by reason of his alienism, but the same is hereby vested in every such person, his heirs and assigns, in like manner as if he had been a natural born citizen at the time of such purchase.

III. *And be it further enacted*, That the lands, tenements and hereditaments purchased by Henry Waller of Mount Pleasant, in the county of Westchester, before his naturalization, or before he was by law enabled to purchase and hold real estate within this state, shall not escheat to the people of this state by reason of his being an alien at that time, but the same shall be deemed to have vested in the said Henry Waller, in the same manner as if he had been naturalized, or enabled by law to hold real estate at the time of such purchase.

H. Waller's
lands shall
not escheat,
&c.

IV. *And be it further enacted*, That all the right, title, claim and interest whatsoever, of the people of the state of New-York, in and to any lands, tenements or hereditaments within this state, of which George Rosier, late of the city of New-York, died seized, be and the same is hereby declared to be granted to and vested in the said Jeannie Marie Roulett, wife of John S. Roulett, of the city of New-York, and daughter of the said George Rosier, deceased, her heirs and assigns for ever, in like manner as if at the time of the death of the said George Rosier she had been a naturalized citizen of the United States or of this state: *Provided* the said Jeannie Marie would have been entitled to take the same by descent or by devise from the said George Rosier, had she been a naturalized citizen at the time of his decease.

G. Rosier's
lands vested
in J. M.
Roulett.

Provide.

CHAP. CCXLIV.

AN ACT *authorising the supervisors of the county of Cortland to raise money by tax to build a gaol therein, and for other purposes.*

Passed April 15, 1817.

I. *BE it enacted by the people of the state of New-York, represented in senate and assembly*, That it shall be the duty of the supervisors of the county of Cortland, at their next annual meeting, and they are hereby authorised and required, to cause to be assessed, collected and paid into the treasury of the said county, a sum not exceeding five thousand dollars, in like manner as taxes to defray the contingent expenses of said county are assessed, collected and paid, for the purpose of erecting and completing a gaol in said coun-

Tax of 5,000
dollars.

ty: *Provided always*, that the said supervisors shall not be compelled to raise a sum exceeding two thousand dollars in any one year, and that Moses Hopkins, Billy Trowbridge and George Rice, be and they are hereby appointed commissioners to superintend the building thereof.

Commission-
ers may bor-
row.

II. *And be it further enacted*, That the said commissioners be and they are hereby authorised to borrow, on the credit of the said county, for the purpose of this act, a sum not exceeding two thousand dollars, at a rate of interest not exceeding seven per cent. per annum; and the treasurer of said county is hereby required to pay the same on the warrant of the said commissioners as aforesaid, out of any monies in the treasury not otherwise appropriated; and it shall be the duty of the said commissioners, before they enter upon the duties required of them by this act, to take and subscribe an oath, well, faithfully and honestly to perform the same, and shall immediately thereafter, each give a bond to the supervisors aforesaid, with sufficient sureties, to be approved of by the clerk of the board of supervisors of said county, in the penal sum of five thousand dollars, conditioned for the faithful application of the money to be by them received or drawn as aforesaid, and to render a just and true account thereof to the said supervisors when thereto required.

shall take an
oath and
give bonds.

Duty of su-
pervisors.

III. *And be it further enacted*, That it shall be the duty of the said supervisors to meet at the Cortland village on the second Tuesday of May next. and their clerk is hereby directed and required to notify them accordingly, and when so assembled, if a majority of them shall be of opinion, that the good of the county requires the location of the gaol on the flat in Cortland village, they are hereby empowered to purchase or procure a lot of ground, not more than one acre, nor less than one half acre, for that purpose: *And further*, that thereupon the said commissioners, or a majority of them, mentioned in the first section of this act, be and they are hereby authorised and empowered to proceed to erect, build, put up and complete the said gaol on the said land so procured by the said supervisors as aforementioned: *Provided, however*, that if the said supervisors should not think proper to change the location of the site for said gaol, then it shall be the duty of the commissioners aforesaid, to proceed to erect and complete a gaol on the ground now owned by the people of said county.

CHAP. CCXLV.

AN ACT to direct the Surveyor-General in regard to certain confiscated lands in the Freemason's patent, in the county of Oneida.

Passed April 15, 1817.

Preamble.

WHEREAS it appears from the statement of the surveyor-general, that in consequence of a verdict given in the year 1803, in the circuit court for the county of Oneida, the attorney-general gave a certificate, that the title of certain lands in the Freemason's patent, in said county, was vested in the state by the attainder of John

Weatherhead; whereupon the surveyor-general, pursuant to the laws of the state, proceeded to have said lands surveyed and appraised, and conveyed some of them to the occupants who were entitled to the right of pre-emption; but discontinued the execution of said laws, in consequence of advice from the attorney-general, that new trials were intended to be had, in which the title of the state would probably fail, and the title of the state in said lands having since been perfected by removing the incumbrances, the occupants are entitled to the benefits granted by the second section of the "act to facilitate the discovery and sale of the estates of attainted persons," passed March 31, 1802; but said act requiring that the occupants should pay into the treasury one sixth part of the appraised value within nine months after the appraisement, and the residue within eight years thereafter, with interest, special directions for the duty of the surveyor-general in this case have become necessary: Therefore,

BE it enacted by the people of the State of New-York, represented in senate and assembly, That if any of the occupants reported by the appraisers of said lands, or their heirs or assigns, shall within nine months from the passing of this act, pay into the treasury the one sixth part of the consideration for the land, to the pre-emption of which he or they are entitled by virtue of the aforesaid act, and execute a mortgage to the people of this state for the residue, payable eight years thereafter, with interest annually, at the rate of six per cent. per annum, the surveyor-general shall give a conveyance for such land in the manner prescribed by law, and the consideration of such land shall be the sum at which the same has been valued by the appraisement thereof, made by Evans Wharry and John Meyer, and filed in the surveyor-general's office on the twenty-sixth day of June, one thousand eight hundred and four, with the addition of the interest thereon, at the rate of six per cent. per annum, from the twenty-sixth day of March, one thousand eight hundred and five.

CHAP. CCXLVI.

AN ACT to amend an act to raise monies for building a new court house and fire proof clerk's office in the county of Ulster.

Passed April 15, 1817.

I. *BE it enacted by the People of the state of New-York, represented in Senate and Assembly,* That the third section of an act, entitled "an act to raise monies for building a new court house and fire proof clerk's office in the county of Ulster," be and is hereby repealed: *Provided, however,* that the said court house and gaol and clerk's office shall be erected on the lot on which the present court house in said county is situated.

II. *And be it further enacted,* That so much of the second section of the said act, as authorises the supervisors of the said county to appoint commissioners in the place and stead of the commissioners named in the said act, be and hereby is repealed; and the said

power shall be exercised by the person administering the government of this state, and that any appointment of any commissioner by the said supervisors heretofore made, shall be and hereby is vacated.

CHAP. CCXLVII.

AN ACT for the relief of the heirs of Henry Cronkhite, Junior, deceased.

Passed April 15, 1817.

Preamble.

WHEREAS, William Green and Josiah Crane, administrators of the goods and chattels, rights and credits of Henry Cronkhite, Junior, late of Minden, in the county of Montgomery, deceased, have represented to the legislature, that on the eighth day of October, in the year one thousand eight hundred, William Alexander, as attorney for Alexander Ellice, deceased, did by articles of agreement under his hand and seal, covenant to execute a conveyance in fee simple to the said Henry Cronkhite, Junior, for lot number fifty-two, containing one hundred and eleven acres of land, in a patent of land commonly called Vaughan's patent, in the town of Minden, in the county of Montgomery, for which the said Henry Cronkhite, Junior, covenanted to pay the sum of one thousand and fifty-seven dollars and fifty cents, in the manner and at the times in said articles of agreement mentioned: That the said Henry Cronkhite, Junior, thereupon took possession of said lot, and has made valuable improvements thereon, and no deed for said land has been delivered under the said articles: *And whereas* the said Henry Cronkhite, Junior, lately died intestate, leaving issue and heirs at law, Hannah Cronkhite, wife of the said William Green, Polly Cronkhite, wife of the said Josiah Crane, John Cronkhite, Cornelius Cronkhite, Henry Cronkhite, Alida Cronkhite, Jeremiah Cronkhite, James Cronkhite, Jacob Cronkhite and Eliza Cronkhite, the seven last of whom are infants under the age of twenty-one years, and that part of the consideration money is still due for said lot of land: To the end, therefore, that the interest of the heirs at law of the said Henry Cronkhite, Junior, in said lot of land, may not be sacrificed but preserved, and that the debt due for the same to the devisees and heirs at law of the said Alexander Ellice, deceased, may be speedily paid,

BE it enacted by the people of the state of New-York, represented in senate and assembly, That the authorised agents of the devisees and heirs at law of the said Alexander Ellice, be and they are hereby authorised to convey to the said William Green and Josiah Crane, above mentioned as aforesaid, and their heirs and assigns, the said lot of land as described in said articles of agreement, and that the said William Green and Josiah Crane, be and they are hereby appointed trustees for the heirs at law of the said Henry Cronkhite, Junior, with full powers to them to grant, bargain and sell the said lot of land, and to execute good and sufficient deeds and conveyances to the purchaser or purchasers thereof, and the monies arising from such sale, after deducting the amount of the debt due, or which may become due for said lot of land to the said devi-

Agents of A. Ellice's devisees authorised to convey to trustees, &c.

sees and heirs at law of the said Alexander Ellice, shall be by them paid over and applied to and for the benefit of the heirs at law of the said Henry Cronkhite, Junior, in such manner and upon such security as the chancellor of the state shall think proper and direct : *Provided nevertheless*, that no sale to be made as aforesaid, by the said William Green and Josiah Crane, shall be valid and good in law, unless the chancellor shall approve of the same.

Proviso:

II. *And be it further enacted*, That the said trustees, before they enter on the execution of said trust, shall execute a bond to the said heirs, with two sureties to be approved of by the chancellor, in such sum or sums as he shall direct, conditioned for the faithful performance of said trust, which bond shall be filed in the office of the clerk of the county of Montgomery, for the use of said heirs of the said Henry Cronkhite, Junior.

Trustees shall give a bond, Sec.

CHAP. CCXLVIII.

AN ACT *relative to the lot of land appropriated for the use of the missionary to the Oneida tribe of Indians.*

Passed April 15, 1817.

WHEREAS it doth appear by "an act for the speedy sale of unappropriated lands within this state, and for other purposes therein mentioned," passed 5th May, 1786, that there was appropriated in trust to the use of Samuel Kirkland, missionary to the Oneida tribe of Indians, a lot of land containing three hundred and twenty acres, in the former Oneida reservation, now town of Westmoreland, in the county of Oneida, and that by virtue of the two several acts passed the 11th April, 1808, and the 10th April, 1813, the northern missionary society were authorised to lease the same for a term not exceeding ten years, and to apply the rent to the promotion of morality and religion among the said Indians : And it also appears by the petition of the said Indians, that the northern missionary society have no person at present preaching among said Indians, nor are the said society doing any thing to promote their knowledge in the principles of religion and morality : Therefore,

BE it enacted by the people of the state of New-York, represented in senate and assembly, That it shall and may be lawful for Nathan Williams, Morris S. Miller and Samuel Royce, of the county of Oneida, to take in charge the said lot of land, and they or any two of them, are hereby authorised, from and after the expiration of any lease or leases which may have been given by the northern missionary society by virtue of the said acts, passed the 11th April, 1808, and 10th April, 1813, to lease the said land to such person or persons, and in such parts or parcels, as shall appear to them to be the most productive, for a term not exceeding five years from the passing of this act, and the rent shall be paid by the person or persons so leasing the same to the said Nathan Williams, Morris S. Miller and Samuel Royce, or to their agent, agreeable to the conditions of such lease or leases, and when so received, be appropriated to the promotion of morality and religion amongst the said Oneida tribe of Indi-

ans, in such manner as in their discretion they shall deem best calculated to carry into effect the object of said grant.

CHAP. CCXLIX.

AN ACT to amend an act, entitled "*an act to reduce several laws relating particularly to the city of New-York, into one act.*"

Passed April 15, 1817.

BE it enacted by the people of the state of New-York, represented in senate and assembly, That the justices court of the city of New-York, shall have jurisdiction to hear, try and determine all actions of debt, detinue, account, covenant, trespass on the case, and trespass, including trespass on any land or other real estate, wherein the sum or balance due or thing demanded, shall exceed twenty-five dollars, and not exceed one hundred dollars: And also, all actions and informations upon any statute of this state, and upon the charter or any by-law of the corporation of the said city, where the penalty or forfeiture shall exceed twenty-five dollars, and not exceed one hundred dollars; any thing in the one hundredth and sixth section of the act hereby amended to the contrary notwithstanding: *Provided nevertheless,* that nothing herein contained shall be construed to repeal or abolish any of the restrictions or limitations of the jurisdiction of the said justices court prescribed by the proviso of the said one hundredth and sixth section of the act hereby amended.

CHAP. CCL.

AN ACT to incorporate the Hannibal and Volney bridge company, and for other purposes.

Passed April 15, 1817.

Corporate
style.

city of Oswego.

I. BE it enacted by the people of the State of New-York, represented in senate and assembly, That Ichabod Brackett, James Lyon and Reuben Bristol, and their present and future associates, their successors and assigns, be and they are hereby created a body corporate and politic, by the name of "the president and directors of the Hannibal and Volney bridge company," to build a bridge above the Oswego Falls, in the county of Oswego, or receive toll for passing the bridge by them already built; and they are hereby ordained, constituted and declared to be a body politic and corporate, in fact and in name, and by that name they and their successors shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and so to remain for the term of thirty years; and that they and their successors may have a common seal, and may change and alter the same at pleasure; and also that they and their successors, by the same name and style,

shall be, in law, capable of purchasing, holding and conveying any estate, real and personal, for the use of the said incorporation: *Provided*, That the real and personal estate so to be holden, shall be such only as shall be necessary to promote or attain the objects of this corporation.

II. *And be it further enacted*, That the stock, property, affairs and concerns of this corporation shall be managed, directed and conducted by five directors, who shall be stockholders, and shall be annually chosen and elected on the first Monday in June, in every year, at such place in the town of Hannibal, as the directors for the time being, or any three of them, shall appoint, of which notice shall be given in a newspaper printed in the said county, at least ten days before the day of meeting; that all elections for directors shall be by ballot; and the person who shall, at such election, have the greatest number of votes, shall be the directors, and shall hold their offices for one year, and untill others be chosen in their places: and if any vacancies shall happen among the directors, by death, resignation or otherwise, such vacancies shall be filled for the remainder of the year in which they may happen, by the appointment of the other directors for the time being, or a majority of them.

Day for choosing directors.

III. *And be it further enacted*, That Ichabod Bracket, James Lyon and Reuben Bristol, be and are hereby appointed commissioners; to do and perform the several duties hereinafter mentioned, that is to say: they shall, on or before the first Tuesday of June next, procure three books, and in each of them enter as follows: "We, whose names are hereunto subscribed, do for ourselves and our legal representatives, promise to pay to the president, directors and company of the Hannibal and Volney bridge company, fifty dollars for every share of stock set opposite to our names respectively, in such manner and proportion, and at such time and place, as shall be determined by said president, directors and company, on pain of forfeiting our shares, and all payments previously thereon made:" and that every subscriber shall, at the time of subscribing, pay the said commissioners, or one of them, five dollars for each share so subscribed; and the said commissioners, or some one of them, shall, as soon as twenty shares are subscribed, cause notice to be published in a newspaper printed in said county, or the next adjoining county, giving at least ten days notice of the time and place when and where the said subscribers shall meet to choose directors; and that the said directors shall immediately after their election, as aforesaid, meet at the upper landing, above the Oswego falls, in the town of Volney, and choose one of their number to be their president; and when the said directors shall have chosen their president as aforesaid, the said commissioners shall forthwith deliver him the books of subscription, and the monies received thereon.

Commissioners.

Their duty.

IV. *And be it further enacted*, That a share in the stock of the said company shall be fifty dollars, and the number of shares shall not exceed sixty; and that the said shares shall be taken, deemed and considered to be personal estate, and shall and may be transferable.

Stock.

V. *And be it further enacted*, That at all elections for directors, each stockholder shall be entitled to a number of votes proportioned to the number of shares he or she shall hold in his or her name;

Elections for directors.

and that in case an election for directors shall not be made on any day when, pursuant to this act it ought to have been done, it shall be lawful for any one of the stockholders to give ten days notice of an election on any other day; and the stockholders may on any other such day, meet at the place aforesaid, and elect five directors, who shall hold their offices, and have like powers as though such election had taken place on the day for the annual election.

Judges in-
spect bridge.

VI. *And be it further enacted*, That when the said bridge has been completed, and the judges of the court of common pleas in the county of Oswego or Onondaga, or any two of them, not being stockholders in said company, shall, upon inspection, certify under their hands, that the said bridge is well and sufficiently constructed and built, and will admit of the passage of teams and loaded carriages, it shall and may be lawful for the said president and directors to erect a gate at either end of said bridge, and demand, receive and take, for the use of said corporation, a toll not exceeding the following rates, to wit: For every four wheel pleasure carriage, drawn by four horses, fifty cents, if drawn by two horses, thirty-one cents; every curricule, chaise, chair or sulkey, drawn by one horse, twenty-five cents, if drawn by two horses, thirty-one cents; every waggon and two horses, eighteen cents, and six and a quarter cents for every additional horse; every sled or sleigh, drawn by two horses, eighteen cents, and six and a quarter cents for every additional horse; each ox-waggon, cart, sleigh or sled, drawn by two oxen, eighteen cents, and each additional yoke of oxen, six and three quarter cents; every one horse cart, twelve and an half cents; every one horse waggon, sleigh or sled, twelve and an half cents; every man and horse, twelve and an half cents; every foot passenger, six cents; every horse, jack or mule, four cents; every cow or other neat cattle, two cents; every score of sheep or hogs, twenty cents; and so in proportion for a greater or less number: and it shall be lawful for the toll-gatherer to stop at said gate, every foot passenger, and any person driving, riding or leading any beast or carriage, from going through such gate, until they have respectively paid the toll therein allowed to be collected: *Provided nevertheless*, that any troops in the service of this state, or any of the United States, and all artillery, all waggons or other carriages, and stores of every kind, belonging to this state or to the United States, shall pass said bridge without paying toll.

Proviso.

VII. *And be it further enacted*, That from and after the expiration of said term of thirty years, the said bridge, with its appurtenances, shall become the property of, and be vested in the people of this state.

By-laws.

VIII. *And be it further enacted*, That the said president and directors, for the time being, or a major part of them, shall have power to appoint a treasurer and clerk, and one or more toll-gatherers, and to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, touching the management and disposition of the stock, property and estate of the said corporation, the duties of their treasurer, clerks, agents and servants employed therein, and all such matters as appertain to the said corporation: *Provided*, that such by-laws, rules and regulations be.

not inconsistent with the constitution and laws of the United States, or of this state.

IX. *And be it further enacted*, That if any person or persons shall wilfully do, or cause to be done, any act whatsoever, whereby the said bridge, or any thing appertaining to the same, shall be impaired, weakened or injured, the person or persons so offending shall forfeit and pay to the said company treble the amount of the damages sustained by means of such offence or injury, to be recovered by the said company, with costs of suit, in an action of trespass, in the name of the treasurer of said company, to their use, in any court of record, having cognizance thereof; which action shall, in every instance, be considered as transitory in its nature.

Damages for
injuring
bridge, &c.

X. *And be it further enacted*, That if any person or persons shall forcibly pass the gate to be erected over said bridge, in pursuance of this act, or shall cause his or their horse, carriage, waggon, sled, cattle or other thing or things, to pass the same, without having paid the legal toll for passing said bridge, such person or persons shall forfeit and pay a fine not exceeding ten dollars, nor less than one dollar, to be recovered by the treasurer of said company, to their use, in an action of trespass; which action shall in every instance be considered as transitory in its nature.

Fine for
forcibly passing
gate.

XI. *And be it further enacted*, That if any toll-gatherer shall unreasonably detain or hinder any traveller or passenger at the said gate, or shall demand and receive more toll than is by this act established, he shall, for every such offence, forfeit and pay the sum of ten dollars, to be sued for and recovered before any justice of the peace in the county where such offence shall be committed, for the sole use of the person so unreasonably delayed, hindered or defrauded.

Penalty on
toll-gatherer,
&c.

XII. *And be it further enacted*, That this act be and is hereby declared to be a public act, and shall be construed benignly and favorably for every beneficial purpose herein intended.

XIII. *And be it further enacted*, That it shall be the duty of the said corporation, to cause to be affixed in a conspicuous place over the gate, a printed list of the rates of toll; and in default thereof, to be subject to the penalty of five dollars for every forty-eight hours, to be sued for and recovered by any person who shall prosecute for the same in his own name.

Printed toll
list shall be
fixed.

XIV. *And be it further enacted*, That the judges and assistant judges of the court of common pleas, of the county of Oswego, from and after the expiration of six years, shall have power to reduce the rates of toll herein prescribed, if in their opinion the same shall be too high.

When judges
may reduce
toll.

XV. *And be it further enacted*, That it shall be lawful for the comptroller to extend the time for the payment of the principal of any loan heretofore made on personal security, for any term he may think proper, not exceeding five years; *Provided*, the same be secured by a mortgage on unincumbered real estate, within this state, which shall, exclusive of any buildings thereon, be ascertained to his satisfaction, to be worth double the amount of such loan, or the sum due thereon.

Comptroller
may extend
the time of
payment, &c.

XVI. *And be it further enacted*, That the monies received or to be received into the treasury for the support of a common school, in

Lewistown
com. school
money how
lensed.

the village of Lewiston, pursuant to the act, entitled "an act to alter the plan of the village of Lewiston, on the Niagara river," passed March 30th, 1810, shall be loaned on the like terms and conditions as the school fund monies are authorised by law to be loaned.

returns of
arrears of
taxes certifi-
ed by collec-
tors valid.

XVII. *And be it further enacted*, That the returns of arrears of taxes for the year one thousand eight hundred and sixteen, made from any of the counties in this state, if certified by the collectors to be true transcripts from the original assessment rolls, shall be as valid as if certified by the county treasurers respectively; and also that any such returns which may have been sworn to by the collectors, before a justice of the peace, instead of being sworn to before the county treasurer, shall also be valid, notwithstanding any omission to certify that it was in consequence of the absence of the county treasurer that the same was so sworn to.

G. B. Rapelye, comptroller may commute with him.

XVIII. *And be it further enacted*, That it shall and may be lawful for the comptroller of this state, to settle and commute with George B. Rapelye, for the amount of the judgment for lottery tickets, recovered against the said George B. Rapelye, in the name of Jacob Holmes, administrator of Stephen Thorn, deceased, by the attorney-general, in the supreme court of this state, upon such terms as in the opinion of the said comptroller shall be most conducive to the interests of this state.

CHAP. CCLI.

AN ACT *relative to executors, administrators and guardians.*

Passed April 15, 1817.

BE it enacted by the People of the state of New-York, represented in senate and assembly, That it shall be lawful for the court of chancery, in the settlement of the accounts of guardians, executors and administrators, on petition or otherwise, to make a reasonable allowance to them for their services as such guardians, executors and administrators, over and above their expenses; and that when the rate of such allowance shall have been settled by the chancellor, it shall be conformed to in all cases of the settlement of such accounts.

CHAP. CCLII.

AN ACT *to amend the act relative to district attorneys, to regulate sheriff's fees in the county of Tompkins, and to appoint a commissioner to perform certain duties relative to a certain dam and locks on the Seneca river.*

Passed April 15, 1817.

I. *BE it enacted by the People of the state of New-York, represented in senate and assembly*, That the counties of Seneca, Tompkins, Cortland and Broome, be and hereby are erected into a separate district, as to all proceedings under the act relative to district

attornies, passed April 4, 1801, and the acts amending the same and relating thereto; and it shall be the duty of the person administering the government of this state, by and with the advice of the council of appointment, to appoint and commission a proper person qualified according to the said recited acts, to the office of district attorney, in the said district, who shall be subject to the same duties, and have the like powers, and be entitled to the like compensation, as is provided by law for the other district attornies respectively.

II. *And be it further enacted*, That the sheriff's fees in the county of Tompkins shall be computed from the village of Ithaca, in said county.

Whereas it is represented to the legislature, that the dam erected by Jonas C. Baldwin, across the Seneca river, and also the canal and locks required to be made by him under the act, entitled "an act to authorise Jonas C. Baldwin to erect a dam across the Seneca river," passed February 24th, 1809, are not made according to the true intent and spirit of the said act, but the navigation of the said river is rendered more difficult than before the erection of said dam and making said canal and locks, notwithstanding all persons passing through said canal and locks, with loaded boats, are subject to pay considerable toll: Therefore, to remedy the said evil,

III. *Be it further enacted*, That James Geddes, Esquire, of Onondaga county, be and he is hereby appointed a commissioner to review and examine the said dam, canal and locks, and to report to the next legislature his opinion, whether the same is completed according to the true intent and spirit of said act, and to point out what alteration and amendments, if any, are necessary to render the passage of loaded boats through the said canal and locks practicable, with such observations as the nature of the case may require.

CHAP. CCLIII.

AN ACT to authorise the supervisors of the county of Warren to raise money to complete the court-house and gaol in said county, and for other purposes.

Passed April 15, 1817.

I. *BE it enacted by the people of the State of New-York, represented in senate and assembly*, That the supervisors of the county of Warren, or a majority of them, be and they are hereby authorised and required, at their next annual meeting, to raise by tax on the freeholders and inhabitants of said county, such sum of money as they shall deem necessary to complete the court-house and gaol in their said county, not exceeding, however, one thousand dollars; which sum, with the addition of five cents on each dollar for collecting, shall be raised and collected in the same manner as the contingent expenses of the said county are raised and collected.

Supervisors
may raise
money by
tax.

II. *And be it further enacted*, That the commissioners appointed to superintend the building of the said court-house and gaol, shall draw upon the treasurer of the said county for such sum of money for the purpose aforesaid, as shall come into the hands of the said treasurer by virtue of this act; who is hereby directed to pay to

Treasurer
shall pay to
commissioners,
&c. &c.

the order of the said commissioners, the sum of money to be by them drawn for within the provisions of this act; and it is hereby made the duty of the said commissioners to account with the said supervisors for the money which they have or may receive from the said treasurer when thereunto required.

Courts of
oyer and ter-
miner their
duty, &c.

III. *And be it further enacted*, That the courts of oyer and terminer and gaol delivery, shall and hereby are authorised to send for trial all indictments which have or may hereafter be found, at any such court, to the courts of general sessions of the peace of the several counties in which the same have or may be found; *Provided*, the said indictments are for offences within the jurisdiction of the said courts of general sessions.

CHAP. CCLIV.

AN ACT to alter the name of the town of Frederick, in the county of Putnam.

Passed April 15, 1817.

BE it enacted by the people of the state of New-York, represented in senate and assembly, That from and after the passing of this act, the town of Frederick, in the county of Putnam, shall be called and known by the name of Kent.

CHAP. CCLV.

AN ACT authorising a further loan to the county of Niagara, to pay for building the court-house in the said county.

Passed April 15, 1817.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That the time of payment of the sum of four thousand dollars, out of the monies due for arrears of taxes from the county of Niagara to the people of this state, be and the same is hereby extended so as to make the same payable in four equal yearly instalments, from the passing of this act: *Provided*, the said county of Niagara shall pay the lawful interest thereon yearly, into the treasury of this state: *And provided further*, That the treasurer of the said county shall advance the said sum of four thousand dollars to the commissioners appointed for building the court-house and gaol in the said county, to defray the expenses of completing the said court-house and gaol.

II. *And be it further enacted*, That the supervisors of the said county shall annually, for four years in succession, cause to be levied, raised and collected, in the manner that other taxes are raised and collected in the said county, the several instalments and annual interest, as the same become due to the state as aforesaid, over and above all charges of collection, for the purpose of reimbursing to the state the said advance; which sums, when paid to the treasurer of the county, shall forthwith, and from time to time, be paid by him into the treasury of this state,

CHAP. CCLVI.

AN ACT *concerning the lands lately purchased from the Oneida Indians, and for other purposes.*

Passed April 15, 1817.

I. *BE it enacted by the People of the State of New-York, represented in senate and assembly,* That the exchange of lands made with the second christian party of the Oneida nation of Indians, by a treaty dated the twenty-seventh day of March, of the present year, be and the same is hereby confirmed.

II. *And be it further enacted,* That the commissioners of the land office shall cause letters patent to be issued to Dolly Denney, Abraham Denney, John Denney, Sally Denney, Azor Brown, Rufus Pettibone and the reverend Eleazor Williams, and their respective heirs and assigns, for the lands stipulated by said treaty to be granted to them respectively.

III. *And be it further enacted,* That the person administering the government of this state, shall cause six hundred acres of the lands mentioned in the said treaty to be sold, and the avails thereof to be applied to the building of a church for the said Indians, in the manner and according to the true intent of said treaty.

IV. *And be it further enacted,* That the surveyor general shall cause the lands, conveyed by said treaty to the people of this state, to be surveyed into lots, not exceeding one hundred and sixty acres each, and sell the same in the manner and on the conditions mentioned in the fifteenth and sixteenth sections of the act, entitled "an act concerning the commissioners of the land office and the sale of unappropriated lands," passed April 6, 1813, and that the monies arising from such sales be paid into the treasury, and be subject to the ordinary appropriations of the legislature.

V. *And be it further enacted,* That it shall be lawful for the person administering the government of this state, to appoint a special agent, residing near the premises, to ascertain, on behalf of the people of this state, all trespasses which may be committed on said lands, and to give notice thereof to the person administering the government of this state, and to allow such agent compensation for his services as shall be just and reasonable.

CHAP. CCLVII.

AN ACT *relative to the January term of the court of common pleas and general sessions of the peace in the county of Cayuga, and for other purposes.*

Passed April 15, 1817.

I. *BE it enacted by the people of the State of New-York, represented in senate and assembly,* That the January term of the court of common pleas and general sessions of the peace in and for the county of Cayuga, which is required to be held on the third Tuesday in January in each year, may be held and continued from the

time of its commencement until Saturday in the next week thereafter, inclusive.

II. *And be it further enacted*, That the inspectors of elections of the town of Whitestown, shall hold the election in said town, commencing on the last Tuesday of April, instant, in the same manner as if the said town had not been divided, any thing in the act, entitled "an act to incorporate the village of Utica," to the contrary notwithstanding; and that the acts of any inspector or other town officer residing in that part of the town of Whitestown now erected into a new town by the name of Utica, until the second Monday of May next, shall to all intents and purposes be as valid and effectual as if the said act, entitled "an act to incorporate the village of Utica," had not been passed, any thing in the said act contained to the contrary notwithstanding.

CHAP. CCLVIII.

AN ACT for the relief of John M'Donald, Archibald M'Intyre and Robert M'Queen.

Passed April 15, 1817.

WHEREAS John M'Donald and Archibald M'Intyre, of the city of Albany, have by their petition represented to the legislature, that they are the owners of a mill site and mill at Waterford, at the junction of the northern branch of the Mohawk with the Hudson river: That they purchased the site about five years ago with a full impression that a perfect title had been conveyed to them of the right to erect a dam across said branch of the Mohawk, with the privilege of using a portion of the waters thereof; but that they are now advised that the title to the said waters and the lands under them may be vested in the people of this state, and have prayed for a grant in order to quiet them in their privileges: *And whereas* Robert M'Queen, of the city of New-York, hath also by his petition represented, that he hath purchased a mill site at the place aforesaid, with a right to use a portion of the waters of said branch, and had supposed his title to said waters to have been perfect, until lately advised that the same may be vested in the state, and hath prayed for a grant: Therefore,

BE it enacted by the people of the state of New-York, represented in senate and assembly, That all the right, title and interest of the people of this state in and to so much of the lands under the waters of said northern branch of the Mohawk river, as is occupied by the dam erected for the use of the said mill of the said John M'Donald and Archibald M'Intyre, and of the mill-site of the said Robert M'Queen, and of the said lands which are overflowed by the waters of the said dam, when they are at the greatest height, be and the same is hereby vested in the said John M'Donald and Archibald M'Intyre, their heirs and assigns, and the said Robert M'Queen, his heirs and assigns, to the extent and in the proportion that they may be entitled by their respective purchases: *Provided*, that this grant shall not be construed to interfere with or in any wise

to impair any right which others may have to use the waters aforesaid for mills or the propelling of machinery of any kind; saving however to the people of this state the right to improve the navigation of the Mohawk river, as if this act had not been passed. *And provided*, that nothing herein contained shall be construed, held or taken to allow or permit the said Archibald M'Intyre, John M'Donald and Robert M'Queen, or either of them, to overflow the lands of any person or body politic, nor to restrain any other person or persons, owning lands or mill seats adjoining the said Mohawk river, on either side thereof below the Cohoes falls, from building mills thereon, and using the water of the said river for such mills, subject to the like saving as is herein above contained in favor of the people of this state.

CHAP. CCLIX.

AN ACT *relative to the militia of this state.*

Passed April 15, 1817.

I. *BE it enacted by the people of the State of New-York, represented in senate and assembly*, That all that part of the forty third section of the act to organise the militia of this state, passed March 29th, 1809, exempting musicians from taxation, be and the same is hereby repealed.

II. *And be it further enacted*, That the uniform of the officers of the infantry of this state shall be conformable to the uniform of the officers of the army of the United States; and all non-commissioned officers who shall hereafter uniform themselves, shall adopt the uniform of the non-commissioned officers of the army aforesaid: *Provided nevertheless*, that the colour of the epaulets and buttons, and, the uniform of musicians shall be directed by the brigadiers respectively; and of all other corps by the commander in chief.

III. *And be it further enacted*, That the rules and regulations for the field exercise and manœuvres of the infantry of this state shall be conformable to those of the infantry of the United States for the time being.

CHAP. CCLX.

AN ACT *for the relief of persons imprisoned for debts less than twenty-five dollars, in the city and county of New-York.*

Passed April 15, 1817.

I. *BE it enacted by the people of the state of New-York, represented in senate and assembly*, That any person who shall be confined in the jail, in the city and county of New-York, upon any execution or other process, or by virtue of any judgment, or order of any court of justice, or by warrant from any judge or justice, for any sum of money due upon any contract not exceeding twenty-five dollars, exclusive of costs, such person may apply to any judge or

When gaol
keeper may
discharge, &c.

justice of the said city, and upon making oath before said judge or justice, in writing, that all his real or personal estate does not exceed, in value, the sum of twenty-five dollars over and above such articles as are by law exempt from seizure by execution, such judge or justice shall order the keeper of the said jail to discharge such person from custody; and the jailer, on being served with a copy of such order, shall discharge the said prisoner from jail without taking any fee or retaining him for or on account of any jail fees; and the said judge or justice shall forthwith file the said affidavit in the office of the clerk of said city and county.

Not to be imprisoned again.

II. *And be it further enacted*, That no person discharged from imprisonment by virtue of this act shall at any time thereafter be imprisoned for the same cause; and if any person so discharged shall be arrested for the same cause, it shall be lawful for any judge of the court out of which the process upon which such person shall be arrested, shall have issued, or any justice of the peace who shall have issued such process, to discharge such person out of custody: *Provided*, such person do enter an appearance or give a warrant to some attorney to appear and plead to such action.

Debts against persons discharged to remain good.

III. *And be it further enacted*, That notwithstanding such discharge, every debt and demand, judgment and decree, against the person so discharged, shall remain good against the estate real and personal of such person, his arms and accoutrements and other articles already exempted from execution being excepted; and any creditor at whose suit such person was confined, his executors and administrators, and the officer who ought to prosecute for any such fine or forfeiture, may at any time after such discharge, sue out a new execution or other process for the said debt, sum, fine or forfeiture, with the costs, against the estate real and personal of the person so discharged, such articles as are exempted from execution as aforesaid being excepted in the same manner and form as if such person had never been so confined for the same; and in case no judgment shall be obtained at the time of such discharge, it shall be lawful for the creditor to prosecute his action to judgment, and to prosecute any other action for the recovery of such debt or sum, and to take out such execution therefor, with costs, against the estate real and personal of the person so discharged, as if such person never had been confined for the same.

Perjury.

IV. *And be it further enacted*, That if any person who shall take any oath by this act required to be taken, shall, upon any indictment for perjury, be convicted by his own confession or by verdict, every person so convicted shall suffer the pains and forfeitures which by law are to be inflicted upon any person guilty of wilful and corrupt perjury, and shall, likewise, if discharged out of execution by virtue of this act, be liable to be taken in any process *de novo*, and charged in execution for the said debt, in the same manner as if he had not been taken and discharged, and shall never after have the benefit of this act.

CHAP. CCLXI.

AN ACT for the payment of certain officers of government.

Passed April 15, 1817.

I. BE it enacted by the people of the state of New-York, represented in senate and assembly, That the treasurer pay, on the warrant of the comptroller, to each of the several clergy, who shall have attended the legislature as chaplains, during the present session of the legislature, the sum of two dollars and fifty cents for every day they may have so attended, and that the number of days each shall have attended, shall be certified by the president of the senate and the speaker of the assembly.

The pay of chaplains.

II. And be it further enacted, That the treasurer shall pay, on the warrant of the comptroller, to the president of the senate and the speaker of the house of assembly, the sum of one dollar and fifty cents per day for each day's attendance in their respective stations; to each member of the senate and assembly, the sum of one dollar per day for each day's travel and attendance in the legislature; to the clerks of the senate and assembly, and to their respective deputies, and to the sergeant at arms and the door keepers of the senate and assembly, and the door keeper of the council of appointment and council of revision, the sum of one dollar for each day's attendance for both meetings of the present session of the legislature, in addition to the compensation allowed them respectively in an act, entitled "an act for the support of government."

Members, &c. of legislature.

III. And be it further enacted, That the clerk of the senate and the clerk of the assembly shall each be allowed and paid, by the treasurer, on the warrant of the comptroller, the sum of four dollars per day for an additional assistant clerk, employed by each of them during the present session; and each the sum of fifty dollars for making indexes to the journals of this session.

For additional clerks, &c. for indexes.

IV. And be it further enacted, That the treasurer pay, on the warrant of the comptroller, to the person administering the government of this state, to defray the incidental expenses of administering the same, a sum not exceeding seven hundred and fifty dollars: *Provided*, that the person administering the government shall account with the comptroller for the expenditure of the said sum.

Incidental expenses.

Provide.

V. And be it further enacted, That the treasurer pay, on the warrant of the comptroller, the rent and taxes, for the year ending on the first day of May next, of the house in the city of Albany occupied by Daniel D. Tompkins, late governor of this state.

Governor.

VI. And be it further enacted, That the treasurer pay, upon the warrant of the comptroller, to James Burt, Thomas C. Taylor and Peter W. Radcliff, commissioners appointed at the last session for the purpose of making a report concerning the state prison, the sum of three hundred and seventy dollars and twenty-eight cents, for the balance due for their pay and expenses while employed on that service.

State prison.

VII. And be it further enacted, That the comptroller shall draw his warrant on the treasurer, in favor of Simeon De Witt, for twenty-five dollars and eighty-six cents, to reimburse him for so much paid

S. De Witt.

by him for articles furnished for the holding of an Indian treaty in the year one thousand eight hundred and two.

Comptroller. VIII. *And be it further enacted,* That in case it shall become necessary for the comptroller of this state to transmit for payment or exchange to any of the banks of this state, the notes or bills which have or may be received at the treasury, pursuant to the concurrent resolutions of the senate and assembly of the sixteenth and seventeenth of March last, it shall be lawful for him to draw his warrants on the treasurer for payment of the expense of such transmission.

Canal commissioners. IX. *And be it further enacted,* That the treasurer shall pay, on the warrant of the comptroller, to the canal commissioners, such balance as may be due them for expenditures incurred under the act, entitled "an act to provide for the improvement of the internal navigation of this state:" *Provided,* the same shall not exceed the sum of four thousand dollars.

Surveyor general. X. *And be it further enacted,* That the comptroller shall draw his warrant on the treasurer, in favor of the surveyor general, for the expense incurred in surveying and appraising the lots in a patent of 7560 acres of land granted to Ebenezer and Edward Jessup, reported to him by the attorney general to have been confiscated; and that it shall be the duty of the surveyor general, before he shall convey to any of the occupants on said patent any of said lots, to obtain from such occupant his proportion of such expense, and repay the same into the treasury.

Commissary general. XI. *And be it further enacted,* That the treasurer pay, on the warrant of the comptroller, to the commissary general of military stores, the sum of thirteen hundred and sixty-two dollars and twenty-four cents, for regulating and paving the streets adjoining the state arsenal, in the city of New-York.

Comptroller to publish laws. XII. *And be it further enacted,* That that it shall be lawful for the comptroller, at the expense of this state, to cause to be published, from time to time, in one or more of the public newspapers printed within this state, such laws or extracts of laws of this state, as relate to the payment of money due to this state, or to duties to be performed by officers appointed under authority of this state, as he may deem necessary to be published: *And further,* that he be authorised to draw his warrant on the treasurer for the expense of publishing, in the month of May last, extracts from the act, entitled "an act to regulate sales by public auction, and to prevent stockjobbing."

To the city of Albany. XIII. *And be it further enacted,* That the treasurer, on the warrant of the comptroller, pay to the chamberlain of the city of Albany, one hundred and sixty-two dollars and fifty cents, expended by the superintendent of the said city in laying drains in State and Lodge-streets, opposite the state hall.

I. Denniston. XIV. *And be it further enacted,* That it shall be lawful for the comptroller to draw his warrant on the treasurer, in favor of Isaac Denuiston, for the balance that may be found due to him on the settlement of his account of incidental expenses attending Indian affairs, in the year one thousand eight hundred and fifteen, by order of the governor, over and above the annual appropriation by law for that object: *Provided,* such balance shall not exceed eighty dollars.

Clerks of senate & assembly. XV. *And be it further enacted,* That the treasurer shall pay, on the warrant of the comptroller, to John F. Bacon, clerk of the sen-

ate, and to Aaron Clark, clerk of the assembly, each twenty-five dollars, for making an alphabetical list of the towns and counties of this state, agreeable to a resolution of the senate and of the assembly, of the last and present session of the legislature.

XVI. *And be it further enacted*, That the treasurer shall, on the warrant of the comptroller, pay to William Giles, for two days attendance as door keeper, at the last meeting of the electors of a president and vice president of the United States, at the rate of four dollars and fifty cents per day. Wm. Giles.

XVII. *And be it further enacted*, That the sum of three thousand and one hundred dollars be and the same is hereby appropriated for the use of the commissary's department, to be received and accounted for by the commissary general, to the comptroller of this state. Appropriation.

CHAP. CCLXII.

AN ACT *respecting navigable communications between the great western and northern lakes and the Atlantic ocean.*

Passed April 15, 1817.

WHEREAS navigable communications between lakes Erie and Champlain, and the Atlantic ocean, by means of canals connected with the Hudson river, will promote agriculture, manufactures and commerce, mitigate the calamities of war, and enhance the blessings of peace, consolidate the union, and advance the prosperity and elevate the character of the United States: *And whereas* it is the incumbent duty of the people of this state to avail themselves of the means which the Almighty has placed in their hands for the production of such signal, extensive and lasting benefits to the human race: *Now, therefore*, in full confidence that the congress of the United States, and the states equally interested with this state in the commencement, prosecution and completion of those important works, will contribute their full proportion of the expense; and in order that adequate funds may be provided, and properly arranged and managed, for the prosecution and completion of all the navigable communications contemplated by this act:— Preamble.

I. *BE it enacted by the people of the State of New-York, represented in senate and assembly*, That there shall be constituted a fund to be denominated the canal fund, which shall consist of all such appropriations, grants and donations, as may be made for that purpose by the legislature of this state, by the congress of the United States, by individual states, and by corporations, companies and individuals; which fund shall be superintended and managed by a board of commissioners, to be denominated "the commissioners of the canal fund," consisting of the lieutenant governor, the comptroller, the attorney general, the surveyor general, secretary and treasurer, a majority of whom with the comptroller shall be a quorum for the transaction of business; and that it shall be the duty of the said board to receive, arrange and manage to the best advantage all things belonging to the said fund; to borrow, from time to time, monies on the credit of the Canal fund.
Commissioners.
Their duties & powers.

people of this state, at a rate of interest not exceeding six per centum per annum, and not exceeding in any one year a sum which, together with the net income of the said fund, shall amount to four hundred thousand dollars; for which monies, so to be borrowed, the comptroller shall issue transferable certificates of stock, payable at such time or times as may be determined by the said board; out of the said fund to pay to the canal commissioners hereafter mentioned, the monies so to be borrowed and the income of the said fund, reserving at all times sufficient to pay the interest of all monies that shall have been borrowed by the said board; to recommend from time to time to the legislature, the adoption of such measures as may be thought proper by the said board for the improvement of the said fund, and to report to the legislature at the opening of every session thereof the state of said fund; and that the comptroller and treasurer shall open separate books, and keep the accounts of the said fund distinct from the other funds of the state.

Former commissioners continued.

Authorized to commence canal, &c.

Vacancies how filled.

May take possession of lands, &c.

II. *And be it further enacted*, That the commissioners appointed by the act, entitled "an act to provide for the improvement of the internal navigation of this state," passed April 17, 1816, shall continue to possess the powers thereby conferred, and be denominated "the canal commissioners;" and they are hereby authorised and empowered, in behalf of this state, and on the credit of the fund herein pledged, to commence making the said canals, by opening communications by canals and locks between the Mohawk and Seneca rivers, and between lake Champlain and the Hudson river; to receive from time to time from the commissioners of the canal fund, such monies as may be necessary for and applicable to the objects hereby contemplated; to cause the same to be expended in the most prudent and economical manner, in all such works as may be proper, to make the said canals; and on completing any part or parts of the works or canals contemplated by this act, to establish reasonable tolls and adopt all measures necessary for the collection and payment thereof to the commissioners of the canal fund; that a majority of the said commissioners shall be a board for the transaction of business, each of whom shall take an oath well and faithfully to execute the duties of his office, and shall report to the legislature at each session thereof, the state of said works and expenditures, and recommend such measures as they may think advisable for the accomplishment of the objects intended by this act: and in case of any vacancy in the office of commissioner, during the recess of the legislature, the person administering the government may appoint a person to fill such vacancy until the legislature shall act in the premises.

III. *And be it further enacted*, That it shall and may be lawful for the said canal commissioners, and each of them, by themselves and by any and every superintendant, agent and engineer employed by them, to enter upon, take possession of, and use all and singular any lands, waters and streams necessary for the prosecution of the improvements intended by this act, and to make all such canals, feeders, dykes, locks, dams and other works and devices as they may think proper for making said improvements, doing nevertheless no unnecessary damage; and that in case any lands, waters or streams, taken and appropriated for any of the purposes aforesaid, shall not be given or granted to the people of this state, it shall be the duty of

the canal commissioners, from time to time, and as often as they think reasonable and proper, to cause application to be made to the justices of the supreme court, or any two of them, for the appointment of appraisers; and the said justices shall thereupon, by writing, appoint not less than three nor more than five discreet, disinterested persons as appraisers, who shall, before they enter upon the duties of their appointment, severally take and subscribe an oath, or affirmation, before some person authorised to administer oaths, faithfully and impartially to perform the trust and duties required of them by this act; which oath or affirmation shall be filed with the secretary of the canal commissioners; and it shall be the duty of the said appraisers, or a majority of them, to make a just and equitable estimate and appraisal of the loss and damage, if any, over and above the benefit and advantage to the respective owners and proprietors, or parties interested in the premises, so required for the purposes aforesaid, by and in consequence of making and constructing any of the works aforesaid; and the said appraisers, or a majority of them, shall make regular entries of their determination and appraisal, with an apt and sufficient description of the several premises appropriated for the purposes aforesaid, in a book or books to be provided and kept by the canal commissioners, and certify and sign their names to such entries and appraisal, and in like manner certify their determination as to those several premises which will suffer no damages, or will be benefited more than injured by or in consequence of the works aforesaid; and the canal commissioners shall pay the damages so to be assessed and appraised, and the fee simple of the premises, so appropriated, shall be vested in the people of this state.

Appraisers
to be appointed.

Oath to be
taken.

To make en-
tries.

IV. *And be it further enacted*, That whenever, in the opinion of the canal commissioners, it shall be for the interest of this state, for the prosecution of the works contemplated by this act, that all the interest and title, (if any) in law and equity, of the Western inland lock navigation company, should be vested in the people of this state, it shall be lawful for the said canal commissioners to pass a resolution to that effect; and that it shall then be lawful for the president of the canal commissioners to cause a copy of such resolution, with a notice signed by himself and the secretary of the said commissioners, to be delivered to the president or other known officer of said company, notifying the president and directors of the said company, that an application will be made to the justices of the supreme court, at a term thereof to be held not less than thirty days from the time of giving such notice, for the appointment of appraisers to estimate the damages to be sustained by the said company, by investing in the people of this state, all the lands, waters, canals, locks, feeders and appurtenances thereto acquired, used and claimed by the said company, under its act of incorporation, and the several acts amending the same; and it shall be the duty of the justices aforesaid, at the term mentioned in the said notice, and on proof of the service thereof to appoint by writing, under the seal of the said court and the hands of at least three of the said justices, not less than three, nor more than five, disinterested persons, being citizens of the United States, to estimate and appraise the damages aforesaid; and it shall be the duty of the said appraisers, or a majority of them, to estimate and appraise the damages aforesaid, and seve-

Title of the
Western I.L.
N. C. may be
vested in this
state.

S. court to
appoint ap-
praisers.

rally to certify the same, under oath, before an officer authorised to take the acknowledgment of deeds, to be a just, equitable and impartial appraisal, to the best of their judgment and belief, and shall thereupon deliver the same to one of the canal commissioners, who shall report the same to the said court; and if the said court shall be of opinion, that the said damages have been fairly and equitably assessed, the said justices, or any three of them, may certify the same on the said report; and the amount of the said damages, and the expense of the said appraisal, shall be audited by the comptroller, and paid, on his warrant, by the treasurer, out of the canal fund: and the people of this state shall thereupon be invested with, and the said canal commissioners may cause to be used, all the lands, waters, streams, canals, locks, feeders and appurtenances aforesaid, for the purposes intended by this act.

Tax on salt.

On steam
boat passen-
gers.

Proceeds of
lotteries, &c.

V. *And be it further enacted*, That for the purposes contemplated by this act, and for the payment of the interest, and final redemption of the principal of the sums to be borrowed by virtue hereof, there shall be and hereby are appropriated and pledged, a duty or tax of twelve and an half cents per bushel upon all salt to be manufactured in the western district of this state; a tax of one dollar upon each steam boat passenger for each and every trip or voyage such passenger may be conveyed upon the Hudson river, on board of any steam boat, over one hundred miles, and half that sum for any distance less than one hundred miles, and over thirty miles; the proceeds of all lotteries which shall be drawn in this state, after the sums now granted upon them shall be paid; all the net proceeds of this state from the western inland lock navigation company; all the net proceeds of the said canals, and each part thereof, when made; all grants and donations made or to be made for the purpose of making the said canals; all the duties upon sales at auction, after deducting thereout twenty-three thousand and five hundred dollars, annually appropriated to the hospital, the economical school and the orphan asylum society, and ten thousand dollars hereby appropriated annually for the support of foreign poor in the city of New-York.

Duty on O-
nondaga salt.

How collect-
ed.

VI. *And be it further enacted*, That from and after the first Tuesday of August next, there shall be paid and collected, in the manner now directed by law, upon all salt to be manufactured in the county of Onondaga, a duty of twelve and a half cents per bushel, instead of the present duties; and the like tax or duty of twelve and a half cents per bushel upon all other salt to be manufactured in the western district of this state, which shall be collected by the superintendant of the salt springs, until otherwise directed by the legislature; and for that purpose he shall have a responsible deputy, residing at each place where salt is or may be manufactured, with the like powers, and subject to the like duties, as his present deputies; and that all the provisions, forfeitures, penalties and restrictions, contained in the laws relative to the duties upon Onondaga salt, so far as the same may be applicable, shall be in force for the purposes of enforcing the payment and collection of the tax or duties upon salt, hereby levied and imposed: *And further*, that the said superintendant, instead of a yearly report to the legislature, shall make a quarter yearly report to the commissioners of the

canal fund, and pay into the treasury of this state on the first Tuesday of February, May, August and November, in each year, all the monies collected by him during the quarter preceding each of those days; deducting, in addition to what by law is now allowed to be deducted, five per cent. of the duties collected at all other salt works not situated in the county of Onondaga, and two per cent. of the duties upon Onondaga salt, as a compensation for collecting and paying over the same.

Per centage for collecting

VII. *And be it further enacted*, That it shall be the duty of the said canal commissioners, to raise the sum of two hundred and fifty thousand dollars, to be appropriated towards the making and completing of the said canals, from the Mohawk river to the Seneca river, and from Lake Champlain to Hudson's river, by causing to be assessed and levied, in such manner as the said commissioners may determine and direct, the said sum of two hundred and fifty thousand dollars, upon the lands and real estate, lying along the route of the said canals, and within twenty-five miles of the same, on each side thereof; which sum, so to be assessed and levied, shall be assessed on the said lands and real estate adjacent to the said several canals, in such proportion for each as the said commissioners shall determine; and the said commissioners shall have power to make such rules and regulations, and adopt such measures for the assessing, levying and collecting the sum or sums of money, either by sale of the said lands or otherwise, as they shall deem meet; and the said assessment shall be made on said lands according to the benefit which they shall be considered, by the said commissioners, as deriving from the making of the said canals respectively: *Provided*, that such rules, regulations and measures, shall, before they are carried into effect, be sanctioned and approved by the chancellor and judges of the supreme court, or a majority of them: *and provided further*, that if any company or individual, subject to such tax, shall subscribe any money or other property towards the completion of the said canals, the amount of such donation or voluntary subscription shall, if the same is less than the amount of the tax, be deducted therefrom, and if more, he or they shall be entirely discharged from the said tax.

Commissioners to raise \$5,000 dollars

To be levied on lands lying along the canals.

Land may be sold.

Provide.

VIII. *And be it further enacted*, That from and after the first day of May next, the aforesaid tax upon steam boat passengers shall be demanded, taken and received by each captain or master of every steam boat navigating the Hudson river; and that during each month thereafter, in which such boat shall be employed for the conveyance of passengers, it shall be the duty of such captain or master to cause to be delivered to the comptroller of this state, a return or account, sworn to before some officer authorised to administer oaths, stating the name of the boat, the number of trips made by such boat during such month, and the whole number of passengers conveyed on board such boat, at each of the said trips, over one hundred miles, and the number conveyed less than one hundred miles and over thirty miles, and pay into the treasury of this state, the amount of such tax collected during the time mentioned in the said return, deducting three per cent. thereof as a compensation for making such return, and collecting and paying over the said tax: *And further*, that in case of any neglect or refusal, in making such re-

Tax on steam boat passengers to be paid after 1st May.

Captains to account to comptroller under oath

Three per cent. for collecting.

Penalty for neglect. *turn, or collecting and paying over the tax, as directed in and by this section, the captain or master so neglecting, shall forfeit and pay the sum of five hundred dollars, besides the amount of tax so directed to be collected and paid over, to be recovered in an action of debt, in the name of the people of this state, and for the use of the aforesaid fund.*

CHAP. CCLXIII.

AN ACT to amend the act, entitled "*an act to incorporate the stockholders of the bank of Orange county, passed 6th of April, 1813, and for other purposes.*"

Passed April 15, 1817.

I. *BE it enacted by the people of the state of New-York, represented in senate and assembly, That so much of the second section of the act, entitled "an act to incorporate the stockholders of the bank of Orange county," passed April 6th, 1813, as declares that no individual shall hold at any one time, more than two hundred shares of the capital stock of the said bank, be and the same is hereby repealed.*

Banks may receive an interest of 7 per cent. &c.

II. *And be it further enacted, That the president, directors and company of each of the incorporated banks in the state of New-York, shall hereafter be entitled to demand and receive an interest not exceeding seven per centum per annum, on all loans and discounts made by each of them for a longer period than sixty days, any thing in the acts of incorporation of any of the said banks to the contrary notwithstanding.*

Certain bank charters extended.

III. *And be it further enacted, That the act incorporating the middle district bank, and the act amending the same, and the act incorporating the president, directors and company of the bank of Newburgh, and the act amending the same, shall be and hereby are extended and continued in force until the first Tuesday of June, in the year one thousand eight hundred and thirty-two.*

CHAP. CCLXIV.

AN ACT to incorporate the members of the New-York institution for the instruction of the deaf and dumb.

Passed April 15, 1817.

Enabling:

WHEREAS by a petition presented to the legislature from certain inhabitants of the city of New-York, it is represented, that they, together with their associates, have formed an institution for the purpose of affording the necessary means of instruction to the deaf and dumb, and also, to provide for the support and maintenance of those in that condition, whose parents are unable to maintain them during their course of tuition: Therefore,

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That all such persons as now are,*

or hereafter may become members of the said institution, shall be, and are hereby ordained, constituted and appointed, a body corporate and politic, in fact and in name, by the name of "the New-York institution for the instruction of the deaf and dumb," and by that name they and their successors shall and may have succession, and shall be in law capable of suing and being sued, pleading and being impleaded, defending and being defended, in all courts and places whatsoever, in all manner of action and actions, suits, matters, complaints and causes whatsoever; and that they and their successors have and use a common seal, and may change and alter the same at their pleasure; and also, they and their successors, by the name and style of "the New-York institution for the instruction of the deaf and dumb," shall be capable in law of purchasing, holding and conveying any real and personal estate, for the purposes of this incorporation, and none other, which at any time shall not exceed the annual income of five thousand dollars.

II. *And be it further enacted*, That for the better carrying into effect the objects of the said incorporation, there shall be a president, two vice-presidents, a treasurer and a secretary, who with twenty other members shall constitute a board of directors, and shall have power to manage all its affairs; the officers and other directors shall be elected by ballot, at an annual meeting of the members, to hold their office for one year, or until others be elected in their room, and that such election shall be held at such times and places as the said corporation shall by their by-laws from time to time appoint and direct, and that the aforesaid officers shall be elected by ballot, by a majority of the members present at such election, and in case of any vacancy or vacancies in either of the said offices, by death, resignation or otherwise, the said board of directors shall have power to fill such vacancy or vacancies until the next annual election: of the directors, at least two-thirds shall be residents of the city and county of New-York, and seven shall constitute a quorum.

III. *And be it further enacted*, That the following persons shall be the first officers and directors: De Witt Clinton, president, Richard Varick, first vice-president, John Ferguson, second vice-president, John Slidell, treasurer, John B. Scott, secretary, and Henry Rutgers, Alexander M'Leod, John Stanford, John Murray, Junior, Henry T. Feltus, James L. Bell, Bishop Connolly, Henry Wheaton, Jonas Mapea, Peter Sharpe, Samuel Ackerly, Silvanus Miller, William L. Rose, Gurdon S. Mumford, Benjamin A. Akerly, Silvester Dearing, James Thompson, Robert Troup, Solomon Southwick and James Emott, directors.

IV. *And be it further enacted*, That the said board of directors shall have power to make such by-laws as may from time to time be necessary, relative to the management, disposition of the estate and concerns of the said corporation, and the regulation of the persons exercising the offices aforesaid, not contrary to law, and may appoint such other agents and servants as they deem necessary to transact the business of the said corporation and designate their duties.

V. *And be it further enacted*, That this act shall continue and be in force until the first day of April, in the year one thousand eight hundred and thirty-seven: *Provided always*, That if the said corpo-

Corporate
style.

Officers.

Election.

Directors.

Power to
make by-
laws.

Provide.

ration shall apply their, or any of their funds, to any other purposes than those contemplated by this act, that then the said corporation shall cease and determine, and the estate real and personal thereof shall be forfeited to and vested in the people of this state.

VI. *And be it further enacted*, That this act be and is hereby declared a public act, and that the same be construed in all courts and places benignly and favorably, for every humane and benevolent purpose.

CHAP. CCLXV.

AN ACT to amend the act to incorporate the Utica and Minden turnpike company.

Passed April 15, 1817.

BE it enacted by the people of the State of New-York, represented in senate and assembly, That the time for finishing the road mentioned in the above act, be and the same is hereby extended to the first day of January, in the year of our Lord one thousand eight hundred and twenty-one; and that there may be added to the stock of said company, two hundred and fifty shares of twenty dollars each, to be subscribed for and paid in such manner as the president and directors of the said company may direct, and be applied by them towards the completion of the said road.

CHAP. CCLXVI.

AN ACT directing circuit courts to be held in the counties of Oneida and Dutchess.

Passed April 15, 1817.

Be it enacted by the people of the state of New York, represented in senate and assembly, That a circuit court and court of oyer and terminer and gaol delivery be held in the counties of Oneida and Dutchess, twice in each year, at such times and places as the justices of the supreme court may, by order, (to be published in the usual manner,) from time to time appoint; and that such courts in Oneida county shall be held alternately at each of the court houses therein.

CHAP. CCLXVII.

AN ACT to appoint commissioners to lay out a road from Rockesterville to Angelica.

Passed April 15, 1817.

I. BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That Powell Carpenter, John Gar-

bit and James Wilson, or any two of them, be and they are hereby appointed commissioners to lay out a public highway of the width of four rods, from the village of Rochesterville, in the county of Genesee, through the village of Eoon, in Caledonia, to Mount Morris, in the town of Leicester, and as much further on a direction to the village of Angelica, in the county of Allegany, as the said commissioners may think the public good requires, on the most eligible route the country will admit, without injuring valuable buildings or running through orchards set two years.

Commissioners to lay out road.

Route.

II. *And be it further enacted*, That the said commissioners, before they enter upon the duties aforesaid, shall take and subscribe an oath before a justice of the peace to lay out said road without favor or partiality; and they shall, after laying out said road, cause to be made an accurate map of the survey of so much of said road as shall fall within the county of Genesee, and cause the same, with the field notes of the survey to be filed in the clerk's office of said county, and shall cause to be made a like map of the survey of so much of said road as shall fall within the county of Allegany, and cause the same, with the field notes of the survey, to be filed in the clerk's office of said county; and shall also cause a like map and field notes of so much of said road as shall fall within each town, to be filed in the clerk's offices of such towns respectively; and if the said road shall be laid through any improved lands, the damages shall be appraised and paid, and the road opened and improved, in the manner prescribed in the act to regulate highways, and the commissioners and their surveyor shall be allowed each two dollars and fifty cents per day, for each day they shall be necessarily employed in the duties aforesaid, and such reasonable sum for contingent expenses as the supervisors shall direct; and if either of the said commissioners shall do and perform the duties of surveyor, he shall be allowed one dollar per day, in addition to his pay as commissioner as aforesaid.

Shall take an oath.

Shall make a map and file it.

Damages appraised.

Allowance to commissioners.

III. *And be it further enacted*, That the supervisors of Genesee and Allegany shall audit the accounts of said commissioners, and cause the same to be assessed, collected and paid as part of the contingent expenses of said counties: *Provided*, that the same paid by each county, shall be in proportion to the time expended in laying out said road in such county.

Supervisors shall audit accounts.

CHAP. CCLKVIII.

AN ACT appointing commissioners to lay out a road from the village of Angelica, in the county of Allegany, to the town of Concord, in the county of Niagara.

Passed April 15, 1817.

I. *BE it enacted by the people of the state of New-York, represented in senate and assembly*, That James M'Call, of the county of Allegany, Henry Conrad, of the county of Cattaraugus, and Richard Smith, of the county of Niagara, or any two of them, be and they are hereby appointed commissioners to explore and lay out a road

Commissioners to lay out road.

Route.

from the village of Angelica, in the county of Allegany, in the nearest and best direction the country will admit of, through the towns of Caneadea, Rushford and Ischua, to intersect in the town of Concord, a road already established between the town of Olean, in the county of Cattaraugus, and the village of Buffalo.

Shall file a map.

II. *And be it further enacted*, That when the said road shall be laid out, it shall be the duty of the said commissioners to file a map, with their names thereunto subscribed, in the clerk's office of Allegany and Niagara counties; and that it shall be lawful from thenceforth, for the inhabitants of said counties of Allegany, Cattaraugus and Niagara, to open and improve the said road; and each of the said commissioners shall be allowed three dollars a day, for every day he shall be necessarily employed in laying out said road; and that the supervisors of the said counties of Allegany, Cattaraugus and Niagara, shall respectively audit the accounts of the commissioners for laying out said road within its limits, and cause the amount thereof to be assessed, collected and paid, as part of the contingent expenses of each said counties.

Allowance.

CHAP. CCLXIX.

AN ACT to amend an act, entitled "*an act concerning the State Prison.*"

Passed April 15, 1817.

Prisoners shall be supplied by contract.

I. *Be it enacted by the people of the State of New-York, represented in senate and assembly*, That from and after the last day of May next, all prisoners confined in the state prison, in the city of New-York, shall be supplied with provisions and hospital stores by contract, annually to be made and entered into by the agent, under the direction of the inspectors, with such person or persons as may be willing to do it on the lowest terms, at a fixed price per diem, for each person so imprisoned, the articles of food and the quantities of each to be ascertained and determined by the inspectors, and to be inserted in such contract; and so many rations shall be furnished and delivered at the prison, as there are convicts confined therein daily, or at such other times as may be agreed on; and to ascertain who will furnish the said supplies on the lowest terms, due notice shall be given of the particular supplies wanted, and that proposals will be received until a certain reasonable time for furnishing said provisions; and also, all hospital stores required for the sick prisoners, such proposals to specify the lowest price per ration per diem; and the contract shall be made with such persons whose terms shall be most advantageous to the state, and who shall give satisfactory security for the performance of their contract.

Rations furnished for convicts.

Contractor shall give security.

When and in what way materials shall be worked up.

II. *And be it further enacted*, That from and after the said last day of October next, there shall not be purchased any materials whatsoever, to be wrought or worked up for sale by the convicts confined in the state prison, on account of the state; but the said convicts shall thereafter be solely employed in working up such materials as may then remain unmade up and unfinished, and after the

same are finished, they shall be solely employed in manufacturing and making up of such materials as may be brought to the said prison, by or for individuals or companies to whom such materials may belong, to be manufactured at fixed prices for the labor bestowed upon them, to be paid by the owner of the goods to the agent of the said prison, for the use of this state; and the said agent is hereby required to give public notice in the newspapers in the city of New-York, that the said prisoners will be so employed, and shall use all other proper means in his power, to obtain materials for such kinds of work as the said convicts are most capable of doing well, and as will be most for the advantage of the state, in relation to which, he shall follow such regulations and instructions as may be given him from time to time by the inspectors: *Provided nevertheless*, that the said agent may in his discretion, with the approbation and under the direction of the inspectors, until the said last day of October next, and not afterwards, purchase on account of the state such materials as may be necessary to enable him to cause to be worked up to advantage such articles as have been heretofore purchased; which work shall be finished and completed on or before that day, if possible, and for which a sum not exceeding five thousand dollars is hereby appropriated: *And provided further*, that the said agent may purchase such articles of timber for the chair-maker's business, iron and coal for blacksmiths, materials for carpenters, for machine makers, painters and tailors, and dye stuffs, not exceeding annually the sum of five thousand dollars, for all the said several purposes and objects, in such proportions and in such manner as the inspectors may direct from time to time.

Provided

Further provided.

III. *And be it further enacted*, That the said agent shall, as soon as it can conveniently and advantageously be done, sell all the manufactured articles now made and unsold, or that may be hereafter made, to the best advantage, so that all the accounts of the said institution may and shall be brought up and completed on the day last above mentioned, if possible; for which purpose, and to close the same, he may sell such articles as may then remain on hand, at public auction, which he is authorized and required to do, in such manner, and at such time and place, as the inspectors may direct; and he shall also collect and enforce the payment of all debts due to the institution, as soon, and with as little expense to the state as possible; but he may nevertheless, with the approbation of the inspectors, obtain and accept of such security from the debtors, on granting time, as may be deemed most conducive to the interests of the state, the monies to be received to be applied to the discharge of the debts of the institution now remaining unpaid.

When agents shall sell articles manufactured,

and collect debts.

And whereas, it is believed that a habit of industry is the best preventive of vice—to encourage which habit in the criminals in the state prison, whom the state are desirous of reforming, it may be useful to allow them a reasonable portion of the fruits of their labor, to be set apart and secured for them or their families: Wherefore,

IV. *Be it further enacted*, That it shall be the duty of the agent, from and after the last day of October next, to keep a separate account for each prisoner, charging such prisoner with the cost of clothing, provisions and hospital expenses, and allowing credit for

When 20 per cent. allowed on prisoners earnings,

and invested in U. States stock.

When paid to wife, &c.

what has been earned by such prisoner, which account shall be closed quarterly; and if the said prisoner shall have behaved well, there shall then be set apart twenty per cent. of the balance of the said account, if any balance there should be in favor of the prisoner, which sums so reserved, shall, quarter-yearly or oftener, be invested in some public stock of the United States, bearing interest, under the direction of the inspectors, and when the said prisoner shall be regularly discharged from prison, if he or she shall produce satisfactory proof to the inspectors, by the certificate of the principal keeper, or otherwise, that he or she has been of good behaviour during the time of his or her confinement, the amount thereof shall be paid to him or her; or if any prisoner, having behaved well, should die, previous to his or her discharge, the amount so due to such prisoner shall be paid to the husband, wife or children of such prisoner, if any, who shall apply for the same, and prove their right to the satisfaction of the inspectors, within three years from the death of such prisoner, otherwise the same shall be paid into the treasury for the use of the state; and the inspectors may, from time to time, in their discretion, upon the certificate of the keeper, of the regular good conduct of any prisoner, and at such prisoner's request, cause to be paid to the wife, husband or children of such prisoner, any sum he or she may desire, not exceeding one half the amount so due, always leaving to the credit of such prisoner, a sum not less than ten dollars; and where any of the prisoners, convicted of crimes and sentenced to be confined in the state prison, or at labor on public works, shall work regularly and faithfully, and behave well, it shall be the duty of such agents or proper persons, as have the care and direction of such prisoners, to cause to be kept a true account of the expense of such prisoner's maintenance as aforesaid, and credit him with a fair allowance for his work, and such prisoner shall be entitled to the same proportion thereof, and the same shall be invested and paid on the same conditions, and in like manner, as if such prisoner had continued to work in the state prison, and had been discharged or had died there.

When inspectors may abridge the period of confinement.

V. *And be it further enacted*, That where the court, before whom any prisoner was convicted, shall have adjudged such prisoner to confinement in the state prison, or at hard labor on the public works for a certain term, not less than five years, it shall be lawful for the inspectors, upon the certificate of the principal keeper, or other satisfactory evidence, that such prisoner has behaved well, and has acquired by the means aforesaid, in the whole, the nett sum of fifteen dollars, or more, per annum, to abridge the period of confinement and labor, declared in such sentence, one fourth part, and to discharge such prisoner accordingly, and to pay to such prisoner the amount then standing to his or her credit in the prison books, as upon a completion of the sentence; but such sums shall be forfeited by any disorderly or disobedient conduct and by any attempt to escape, and shall in no case be allowed on a second or any subsequent conviction.

Guard to be discharged.

VI. *And be it further enacted*, That from and after the last day of May next, the present officers and men composing the state prison guard in the city of New-York, be and they are hereby thenceforth discharged, and the captain of the said guard shall then deliver

up to the agent, in the presence of the principal keeper, the arms, accoutrements and ammunition, and all other public property now in the possession of the said guard, or any of them, who are hereby required to deliver up and are made accountable for the same; and the said captain shall require duplicate certificates of such delivery from the agent and keeper, one of which shall be delivered to the inspectors, and by them be transmitted to the comptroller; and the said arms and ammunition shall be kept in readiness, and be used if occasion may require, by the keepers under the direction of the principal keeper for security of the prison and prisoners: *Provided however*, that it shall be lawful for the inspectors of the said prison to retain so many of the present guard as they may deem necessary for the safety of the prisoners, until the number of prisoners shall be reduced to five hundred and fifty.

VII. *And be it further enacted*, That for the safety of the said prison and securing the prisoners, there shall be formed and organized, from persons residing nearest to the state prison, and liable to militia duty, one company, to consist of one captain, one lieutenant, one ensign, two sergeants, two corporals, one drummer, one fifer, and twenty-five privates, who shall receive arms, accoutrements and ammunition from the public arsenals at New-York, giving receipts to be accountable therefor, to be formed and organized under the orders of the commander in chief of the militia; and the said company shall keep their said arms, accoutrements and ammunition in good order, and be always ready for immediate service, and shall repair with their arms on the first alarm, or notice from the principal keeper to the prison, and there aid and assist, under his direction, in defence of the prison, and to prevent the escape or any mischief meditated or threatened by the prisoners, or any of them, or danger to the prison from any other cause; and as an inducement and reward to the persons composing the said company, they shall be exempted from all other militia duty and from serving on the grand or petit jury, during the time of their being a part of said company.

One company of militia-men to be organized, &c.

VIII. *And be it further enacted*, That from and after the last day of May next, the officers for the management of the state prison and prisoners therein, in New-York, shall be as follows, to wit: One agent, to have his office in the prison, annual salary two thousand dollars; one clerk for the prison, salary seven hundred and fifty dollars; one principal keeper, to reside in the prison, to have room for his family there, salary two thousand dollars; sixteen assistants, under the orders of the principal keeper, at four hundred and fifty dollars each, and that the said principal keeper shall receive annually, the additional sum of two hundred and fifty dollars for the accommodation of the inspectors, when they attend in the prison for performing the duties herein assigned them; and that the sum of two hundred and sixty dollars per annum, be appropriated to pay the board of the attending physician, and all the stationary, fuel and light used in and for the prison, shall be furnished at the expense of this state; the said agent, clerk, principal keeper and assistants to be appointed by the inspectors, and they shall previous to their entering on the execution of their respective duties, take an oath or affirmation, to be subscribed by them before the mayor

Officers of the prison and their salaries.

Inspectors to appoint agent, clerk, keeper and assistants. To take an oath.

or recorder of the city of New-York, well and faithfully to execute and perform the duties required of them by this act, according to the best of their skill and ability; the said assistants to be under the immediate command of the principal keeper, whose orders they are required to obey; and the said agent and principal keeper, and his deputy, shall conform in all things to the direction of the inspectors, not contrary to this act; and the said principal keeper is hereby authorised and empowered to engage and employ a corporal and twelve men, who shall receive arms and ammunition and accoutrements from those herein before mentioned, who shall be subject to his command, and may be dismissed at pleasure by him, to act as a guard for the safety of the said prison and prisoners, and that he contract with such persons for their pay, not exceeding thirty-five dollars per month for the corporal, and thirty dollars per month per man for the guard, they furnishing themselves with every thing except fuel for the guard room, and their arms, ammunition and accoutrements.

Keeper may employ a corporal and 12 men.

Pay of the guard.

Duty of agent.

IX. *And be it further enacted*, That it shall be the duty of the agent to keep a regular and correct account of all monies received from the visiting fund, rents of the wharf or other property, and from all other sources or means whatsoever, and of the sums paid by him, to whom and for what purpose; and to make out and deliver to the inspectors, at their monthly meeting, a return of all monies received and paid by him, on account of the state prison, for the preceding month; specifying from and to whom received or paid, and on what account; and shall also, on or before the twenty-third day of February, in each year, render to the comptroller the account required by the sixth section of the act hereby amended, to all which accounts there shall be an attestation, or oath, by the agent and his clerk, taken before the mayor or recorder, that the said accounts are correct and true in every particular, to the best of their knowledge and belief.

Auburn commissioners, how to proceed.

Prisoners, how confined.

X. *And be it further enacted*, That the commissioners for building another state prison, at the village of Auburn, shall proceed in the said work as soon as possible, and use all the means they have to cause at least one wing thereof to be completed for the reception of prisoners, before the setting in of the next winter: for which purpose a sum not exceeding forty thousand dollars is hereby appropriated; and all the male convicts hereafter adjudged to be confined to hard labor, in the state prison, in the several counties hereafter mentioned, that are of strength and ability to work, shall be committed to the prison of the county where the trial was had; and if there be no prison therein, then to the prison nearest thereto; the keeper whereof is hereby required to receive and keep such prisoner safely, until the commissioners, or one of them, for building the said prison at Auburn, shall give an order in writing to the sheriffs of the said counties, to transport the prisoners so confined to the prison at Auburn; and the said respective sheriffs shall, thereupon, deliver the prisoners so confined, if any, to the person appointed by the said commissioners for the reception of the said prisoners at Auburn, together with a copy of the sentence of the court; and the said commissioners shall pay to such sheriffs, their expenses for transporting such prisoners, according to the directions of the act

Expenses, how paid.

hereby amended; which sums, so by them paid, for transportation of said prisoners, shall be reimbursed to the said commissioners upon producing to the comptroller, the proper vouchers for such payments, by his warrant upon the treasurer for the same: and the said prisoners shall work under the direction of the said commissioners and their agents, upon the public works at Auburn, and may be secured as by them may be thought necessary; and the said prisoners shall be entitled to the allowances herein before directed: the counties herein before referred to are Oswego, Oneida, Madison, Chenango and Broome, and all the counties within this state lying westward of these last mentioned, and between lake Ontario and the Pennsylvania line.

XI. *And be it further enacted*, That in all cases of conviction for larceny, which may hereafter be had and made, the same shall be adjudged petit larceny, unless the goods so stolen shall be of the value of more than twenty-five dollars.

Petit larceny

XII. *And be it further enacted*, That the canal commissioners shall be and they are hereby authorised and empowered to contract with any individual or individuals, company or companies, for the labor of any number of convicts in the state prison to be employed upon the canal contemplated by the act, entitled "an act respecting navigable communications between the great western and northern lakes and the Atlantic ocean," and that the said individual or individuals, company or companies, shall, before receiving the said convicts into their care and custody, give good and sufficient bonds, in such sum or sums of money to be approved of by the said commissioners, and conditioned that the said convicts shall be kept, supported and maintained, free of any expense to the people of this state, and that none of the said convicts shall be taken out of the said prison to labor on said canals for any shorter period of time than six months; and that in case any of the said convicts shall escape while so employed, as aforesaid, and shall be apprehended and convicted thereof, it shall and may be lawful for the court where such conviction shall be had, to banish such convict or convicts from the state, on pain of death, if such convict or convicts shall return to this state, or continue therein, after such sentence as aforesaid.

Canal commissioners may contract for labor of convicts.

Convicts Escaping.

XIII. *And be it further enacted*, That if any prisoner confined in the state prison, or any other person, shall wilfully and maliciously set fire to the said prison, or to any of the workshops, or other erections within the walls thereof, or procure the same to be done, or aid or abet the doing thereof, or shall be guilty of an assault and battery, with an intent to commit murder upon any officer of said prison, such person being thereof convicted, shall be adjudged guilty of felony, and shall suffer death.

Punishment by death.

XIV. *And be it further enacted*, That the following sections of the act hereby amended, viz. the fifth, seventh, eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third, twenty-fourth, twenty-fifth, twenty-sixth, twenty-seventh, twenty-eighth and thirty-fifth, be and the same are hereby repealed.

Sections repealed.

XV. *And be it further enacted*, That it shall be the duty of the keeper of the state prison, and other public officers or agents having the charge of prisoners confined in the said prison, or at the public

Sections to be read to Prisoners.

works, to cause to be read to the said prisoners, once in three months at least, the fourth, fifth and twentieth sections of this act.

Appropriations.

XVI. *And be it further enacted*, That the following sum be and is hereby appropriated for the following purpose, viz. for support of the institution of the state prison in the city of New-York, twenty thousand dollars; and the appropriations herein mentioned, shall be paid to the commissioners for building the state prison at Auburn, and to the agent of the state prison in the city of New-York, respectively, by a warrant from the comptroller on the treasurer, from time to time, for such sums as may be wanted to carry on and accomplish the purposes for which they are given; and five thousand dollars for the necessary repairs of said prison, in the city of New-York.

Allowances to sheriffs.

XVII. *And be it further enacted*, That the compensation to be allowed to the sheriffs of this state, for transporting prisoners to the state prison, shall be as follows, to wit: for transporting one prisoner at one time, the sum of twenty-five cents per mile; and for each and every other prisoner, conveyed by him at the same time, five cents per mile in addition to the said sum of twenty-five cents for a single one, and seventy-five cents per day for keeping each criminal while on the way to the state prison, which allowances shall be in full for services and expenses.

Keeper's deputy.

XVIII. *And be it further enacted*, That of the assistant keepers, one shall be appointed by the keeper his deputy, and be entitled to one hundred dollars in addition to his yearly pay as assistant.

When convicts may be employed.

XIX. *And be it further enacted*, That the person administering the government of this state, for the time being, may from time to time, in his discretion, authorise and permit the employment of any number of convicts, condemned to imprisonment in the state prison, when the number exceeds four hundred and fifty, in such way and for such purposes, and on such terms and conditions, and under such persons, as he may judge proper and may direct; and he may empower such agent or agents for the purposes aforesaid, and to carry the same into effect; and all officers and others, having charge of persons convicted and condemned to imprisonment as aforesaid, are hereby required to follow such orders and directions as may lawfully be given in relation to the premises; and all such prisoners who shall behave well shall be entitled to the benefit of the fifth section.

CHAP. CCLXX.

AN ACT to incorporate the village of Ogdensburgh.

Passed April 15, 1817.

Bounds.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly*, That the district of country contained within the following bounds, to wit: Beginning at a black oak tree standing on the eastwardly bank of the Oswegatchie river, being the northwestwardly corner of a lot of land now owned by William Wells, and running thence north sixty-one degrees and ten minutes

east, one hundred and eleven chains and thirty links, to the south-westwardly corner of a lot of land now owned by Timothy Burr; thence along his bounds north twenty-four degrees and thirty minutes west, sixty-five chains and eighty-one links to a cedar post, on the margin of the river St. Lawrence; thence continuing the same course into said river to the bounds of the county of St. Lawrence; thence along the said bounds westwardly to a point opposite the middle of Oswegatchie river; thence along the middle of the Oswegatchie river, to a point opposite the place of beginning; and thence to the place of beginning; and all the freemen of this state, inhabitants within the limits aforesaid, be and they hereby are ordained, constituted and declared to be, from time to time, and forever hereafter, a body politic and corporate, in fact and in name, by the name of the trustees of the village of Ogdensburgh; and by that name they and their successors, forever, shall and may have perpetual succession, and be persons in law capable of suing and being sued, and of defending, in all courts and places whatsoever, in all manner of actions whatsoever; and that they and their successors may have a common seal, and may change and alter the same at pleasure; and shall be in law capable of purchasing, holding and conveying any lands or tenements, within the limits aforesaid, to and for the common use and benefit of the inhabitants of the said village.

Body corporate.
Style.

Common seal

Privileges.

II. *And be it further enacted*, That all the male persons above the age of twenty-one years, who shall be possessed of a freehold within the aforesaid limits of the value of fifty dollars, or shall have rented a tenement of the yearly value of five dollars, for the term of one year, within the aforesaid limits, may, on the second Monday of May next, meet at some proper place, to be appointed and notified to the inhabitants of the said village, by any justice of the peace within the county of St. Lawrence, at least one week previous to the said second day of May next, and then and there proceed to choose five freeholders, resident within the aforesaid village, to be trustees thereof, who, when chosen, shall possess the several powers and rights herein after specified; and such justice shall preside at such meeting, and declare the several persons having a majority of votes as aforesaid, duly chosen trustees; and on every second Monday of May, after the first election of trustees, there shall in like manner be a new election of trustees of the said village; and the trustees for the time being shall perform the several duties herein required from such justice, in respect of notifying the meeting of the electors of the said village, and presiding at such election.

Electors.
Trustees,
when chosen.

III. *And be it further enacted*, That the said trustees, or a majority of them, assembled on village business, shall constitute the board of trustees; and the said board of trustees shall be summoned and held at such times and places, in the said village, as any two of the trustees shall appoint; and it shall be lawful for the said board of trustees, or a major part of them, and their successors, to make, ordain and publish, such by-laws, rules and regulations, as they from time to time shall deem meet and proper, relative to the public markets, streets, alleys and highways of the said village, to draining, filling up, levelling, paving and keeping in order the same; relative to slaughter houses, houses of ill fame and nuisances generally; relative to restraining geese, swine or cattle of any kind; relative to erecting

Board of trustees.

By-laws.

and regulating hay scales; relative to licensing public porters, cartmen, gaugers, weigh-masters, measurers, inspectors of beef and pork, of wood, of staves, of heading and of lumber; relative to public wells, pumps, and reservoirs of water to be kept filled for the extinguishment of fires; and relative to compelling the inhabitants of the said village to furnish themselves with a sufficient number of fire buckets, for the extinguishment of fires; and to the purchase, on behalf of the aforesaid inhabitants, of such a number of fire engines, ladders and other implements for the extinguishment of fires, as may be deemed necessary; also, to the providing suitable places and buildings for the necessary preservation thereof: *Provided*, that no such by-laws shall extend to the regulating or fixing the prices of any commodities or articles of provisions, except the article of bread, that may be offered for sale: *And provided also*, that such by-laws be not contrary to or inconsistent with the laws of this state or of the United States: and it shall be further lawful for the said board of trustees to impose such fines, penalties and forfeitures, against any person or persons violating any such by-laws, as they may deem proper, not exceeding ten dollars for any one offence, to be prosecuted and recovered before any justice of the peace by the trustees, to and for the use of the said corporation; and in all cases it shall be sufficient for the said trustees, in any suit or action to be brought for any such fines, penalties and forfeitures, to declare generally that the defendant or defendants are indebted to the trustees of the village of Ogdensburgh, in the amount of such fine, penalty or forfeiture, to be paid to the said trustees, for the time being, when thereto required, and under such declaration to give special matter in evidence; and the freeholders of the said village shall be deemed, and are hereby declared to be, competent to sit as jurors, and to give testimony in any cause wherein the said trustees are a party, notwithstanding any interest which, as inhabitants of the said village and members of the said corporation, they may have in the said suit; and the said board of trustees are hereby empowered, from time to time, to constitute a clerk and a treasurer, who shall hold their offices during the pleasure of the said board; that it shall be the duty of the said clerk to record all the by-laws, rules and regulations, made by the said board, in a proper book to be by him provided for that purpose; that it shall be the duty of the said treasurer to receive and safely keep all monies belonging to the aforesaid corporation, and to disburse the same in such manner as the aforesaid board shall direct; and the aforesaid clerk and treasurer shall be under the control and direction of the said board: *Provided however*, that nothing herein contained shall be taken to prevent the aforesaid board from appointing the aforesaid clerk and treasurer from out their own body, or to prevent the person so appointed from holding the offices of trustee and of clerk or treasurer conjointly.

IV. And be it further enacted, That the inhabitants of the said village qualified as aforesaid, at their aforesaid annual meetings, and at such other times in the year as the said trustees, or a majority of them may think necessary, to advertise for that purpose, at least one week before such meeting, shall have power to ordain and determine what sum on the aggregate shall be raised, levied and collected from the inhabitants of the said village, for procuring a fire en-

Proviso.

*May impose
fines.*

*Witnesses &
jurors.*

*Clerk and
treasurer.*

Proviso.

*Money to be
raised.*

gine and other implements for extinguishing fires, and for other necessary or beneficial purposes, and to fix the time when the same shall be paid; and thereupon, the said board of trustees shall make out a tax roll, apportioning the said sum, and the per centage of the collector, which they are hereby authorised to add to the sum so to be collected, amongst the several persons liable to pay the same, and shall, by their warrant, appoint and authorise some proper person to collect the said tax, and pay the same over to the treasurer aforesaid, retaining in his hands five cents on every dollar, which he shall levy and collect and pay over as aforesaid, and such person shall proceed in like manner in making such collection, as collectors of town and county taxes are by law directed to proceed, and shall pay the amount so collected by him, except his aforesaid per centage, to the aforesaid treasurer, at the time specified in his aforesaid warrant, and shall be in like manner accountable to the said treasurer and liable to the same process, as the collectors aforesaid are by law made accountable and liable to and from the treasurers of the respective counties; and in case any sum assessed upon any owner or occupier of lands or houses within the said village, cannot be collected in the manner aforesaid, the same shall remain a debt of record against such owner or occupier, and may be sued and recovered by and in the name of the aforesaid trustees, with costs: *Provided always*, that the sum so raised shall not in any one year exceed two hundred dollars, exclusive of the collector's per centage.

Trustees shall make out a tax roll.

Collector shall pay the treasurer.

Accountable to treasurer.

Provide.

V. *And be it further enacted*, That the said board of trustees shall, as soon as may be hereafter, appoint a sufficient number of men, willing to accept, not exceeding twenty-five in number, out of the inhabitants of the aforesaid village, to have the care, management and working of the fire engine or engines, belonging, or which may belong to the said inhabitants, and also the tools and implements for extinguishing fires; and the said board of trustees may, at any meeting, remove or displace all or any of the firemen so as aforesaid to be appointed, and may appoint others in their place, and may make and establish such rules, orders and regulations for the government, conduct and duty of the said firemen as to them shall from time to time seem proper.

Shall appoint firemen.

VI. *And be it further enacted*, That the said board of trustees shall, whenever sufficient monies belonging to the said incorporation shall be in the hands of the treasurer, have power to purchase one or more fire engines, and other tools and implemenents for extinguishing fires, and to have the same kept in good order and fit for immediate use, which aforesaid engine or engines, tools and implemenents, shall be in the charge and custody of the said firemen, subject however, to the control and direction of the aforesaid board.

Purchase of fire engines.

VII. *And be it further enacted*, That at least one month before the aforesaid annual meeting of the inhabitants of the said village, the treasurer shall exhibit to the aforesaid board of trustees, a detailed report of the funds of the said incorporation, including all the monies received into, paid out of, and remaining in the treasury, specifying the particular accounts on which the several items in the said report were received, and how paid out; and the said trustees shall then, or at such time thereafter as they shall appoint, proceed to examine the aforesaid reports of the said treasurer, and the funds

Treasurer shall exhibit an account of funds.

Statement of
funds to be
laid before
inhabitants.

Treasurer li-
able for ne-
glect or fraud

of the said incorporation, and shall lay before the aforesaid inhabitants, and at their next annual meeting, a full statement of the funds of the said incorporation, and for the objects on which expenditures have been made; and if the said treasurer shall be guilty of any fraud or neglect in the discharge of the duties of his office, he shall be liable to respond to the said incorporation in double the amount of the damages sustained by such neglect or fraud, together with costs of suit, to be sued for and recovered by the said trustees for the time being, in the name of the trustees of the village aforesaid, in any court in this state having jurisdiction thereof, in an action of trespass on the case; and the said trustees, clerk and treasurer, shall be allowed for their service, such compensation as the aforesaid inhabitants, so assembled, shall deem reasonable; and the said trustees shall within ten days after their election, and the said clerk and treasurer shall within ten days after their appointments, respectively take and subscribe an oath or affirmation, before any justice of the peace in and for the county of St. Lawrence, for the faithful discharge of the duties of their respective offices.

Road district

VIII. *And be it further enacted*, That the said village of Ogdensburgh, together with that part of the road commonly called the state road, leading from the said village to the east end of the east branch bridge, near the house of Jairus Remington, be and the same is hereby constituted a road district, subject to be subdivided by the said board of trustees, and that the same be exempt from the superintendence of the commissioners of highways, of the town of Oswegatchie; and the said board of trustees shall have all the powers over the said road district, and discharge all the duties which by law are given to or enjoined upon the said commissioners of highways, subject to the like restrictions and appeals; and it is hereby declared lawful for the inhabitants of the said village, at their annual meetings as aforesaid, to choose an overseer of highways for each and every subdivision in said road districts, that shall be laid out by the said trustees, which overseers or path-masters shall have all the powers, and discharge all the duties, in their several districts or subdivisions, which by law are given to or enjoined upon other overseers of highways, giving in their lists, being accountable to said trustees in the same manner as other overseers of highways are bound by law to do to the town clerk and to the commissioners of highways.

Overseers of
highways ac-
countable to
trustees.

CHAP. CCLXXI.

AN ACT authorising a state road to be laid out and improved from Utica to Winfield, and for other purposes.

Passed April 15, 1817.

Commission-
ers.

I. Be it enacted by the People of the State of New-York, represented in senate and assembly, That Asa Shepherd, Spencer Briggs and John Davis, or any two of them, are hereby appointed commissioners to lay out a state road, of the width of four rods, from the village of Utica southerly, the most direct and eligible route, by the

first Methodist Episcopal church in the town of Paris, thence by Asa Babcock's in Bridgewater, in the county of Oneida, to Joseph Martin's in Winfield, in the county of Herkimer; to order to be discontinued so much and such parts of the old highway, near the road to be laid out; as in the opinion of the said commissioners the public good may require; and that the said commissioners, before they enter upon the duties of their office, shall take and subscribe an oath, before a justice of the peace of the county of Oneida, faithfully to perform the duties required of them by this act, without favor or partiality.

Oath to be taken.

II. *And be it further enacted*, That after laying out the said road, the said commissioners shall cause to be filed in the clerk's office of each town through which the said road shall pass, an accurate map and field notes of such part of said road contained within such town, together with the order for discontinuing the old highway as aforesaid: *And further*, the said commissioners are hereby authorised to receive and collect donations and contributions, by subscription or otherwise, for the purpose of opening and improving the road aforesaid, and to lay out and expend the same in a discreet and prudent manner for the purpose aforesaid, on the said road, so as to improve the same as equally as possible in all its parts.

File a map, & receive donations.

III. *And be it further enacted*, That if any person or persons, through whose land the said road shall be laid out, shall refuse to have the same opened and improved without compensation for the damages thereof, it shall be the duty of the said commissioners to apply to a justice of the peace of the county where such land may be, whose duty it shall be to appoint three discreet, disinterested freeholders to appraise the damages (if any) above the benefit received by such person or persons, by reason of such road passing through such land; and it shall be the duty of such freeholders, or any two of them so appointed, to appraise the said damages; and when appraised, the said commissioners shall pay the same out of the monies which may be subscribed or contributed as aforesaid, and when paid the said commissioners shall cause the said road to be opened and worked, if in their opinion the donations aforesaid shall be sufficient for that purpose.

Appraisers.

IV. *And be it further enacted*, That Russel Williams, Ivory Holland, junior, and William Crandall, or any two of them, are hereby appointed commissioners to lay out a state road, of the width of four rods, from the third Great Western turnpike road, within one mile of the dwelling house of Dorastus Hatch, in the town of Richfield, southeasterly the most direct and eligible route at or near the outlet of Schuyler's lake, from thence to strike the second great western turnpike company's road, between the sixty-sixth and seventy-first mile stones upon said road; to order to be discontinued so much and such parts of the old highway, near the road to be laid out, as in the opinion of the said commissioners the public good may require; and that the said commissioners, before they enter upon the duties of their office, shall take and subscribe an oath, before a justice of the peace of the county of Otsego, faithfully to perform the duties required of them by this act, without favor or partiality.

Commissioners.

V. *And be it further enacted*, That after laying out said road, the said commissioners shall cause to be filed in the clerk's office of

Map & donations.

each town, through which said road shall pass, and accurate map and field notes of such part of said road contained within such town, together with the order for discontinuing the old highway as aforesaid: *And further*, the said commissioners are hereby authorised to receive and collect donations and contributions, by subscription or otherwise, for the purpose of opening the road aforesaid, and to lay out and expend the same, in a discreet and prudent manner, for the purpose aforesaid on the said road, so as to improve the same as equally as possible in all its parts.

Appraisers.

VI. *And be it further enacted*, That if any person or persons, through whose land the said road shall be laid out, shall refuse to have the same opened and improved without compensation for the damages thereof, it shall be the duty of the said commissioners to apply to a justice of the peace of said county, whose duty it shall be to appoint three discreet, disinterested freeholders to appraise the damages (if any) above the benefit received by such person or persons, by reason of such road passing through such land; and it shall be the duty of such freeholders, or any two of them so appointed, to appraise the said damages; and when appraised, the said commissioners shall pay the amount of said appraisement out of the monies which may be subscribed or contributed as aforesaid; and when paid the said commissioners shall cause the said road to be opened and worked to the extent of the balance of donations, so made as aforesaid, remaining in their hands.

How improved.

VII. *And be it further enacted*, That after said road is opened as aforesaid, it shall be, in common with other roads in the respective towns through which it shall pass, laid out into road districts, and be improved in the same manner as other public highways are improved by the existing laws on that subject.

CHAP. CCLXXII.

AN ACT for the incorporation and support of the Hudson Lancaster society.

Passed April 15, 1817.

Preamble.

WHEREAS Elisha Williams, Thomas Jenkins, Judah Paddock and others, have associated themselves for the laudable purpose of establishing a school in the city of Hudson, for the diffusion of common education: Therefore,

Body corporate.

I. *BE it enacted by the people of the state of New-York, represented in senate and assembly*, That Elisha Williams, Thomas Jenkins, Judah Paddock, and all such other persons as now are or shall hereafter become members of the said society, shall be and are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, by the name of "the Hudson Lancaster society;" and by that name they and their successors, forever hereafter, shall and may have succession; and by that name shall be persons in law capable to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places whatsoever, in all manner of suits, actions, complaints,

matters and causes whatsoever; and that they and their successors may have a common seal, and may change and alter the same at their pleasure; and that they and their successors, by their name, shall be forever capable in law to purchase, take, receive, hold and enjoy, any estate, real and personal, whatsoever, of what nature or quality soever, to the use of them and their successors: *Provided always*, that such real estate shall be such only as is required to carry this law into effect, and that the yearly income of the real and personal estate and hereditaments, held by the said corporation, do not, nor shall not at any time, exceed the sum of five thousand dollars: and that they and their successors shall have full power and authority to lease such real estate and hereditaments, on such terms as they shall judge most beneficial; and also to dispose of all such estate, real and personal, at their will and pleasure, as shall appear to them most advantageous for promoting the benevolent purposes of the said institution.

II. *And be it further enacted*, That there be forever hereafter, Trustees. thirteen trustees of the said corporation, who shall conduct and manage all the affairs thereof; and that ten of the said trustees shall be members of the said corporation, and three of the said trustees shall be members of and appointed by the common council of the city of Hudson; and the first trustees of the said corporation shall be Elisha Williams, Thomas Jenkins, Judah Paddock, Daniel Coffin, Robert Taylor, Prosper Hosmer, Josiah I. Underhill, Samuel White, James Strong, Samuel Plumb, Patrick Fanning, Robert Alsop and Thomas Bay, who shall hold their offices until the first Monday of May, 1818.

III. *And be it further enacted*, That on the first Monday of May, 1818, and yearly and every year forever thereafter, on the first Monday of May, there shall be a general meeting of the members of the said corporation, at some convenient place in the said city of Hudson, to be fixed by the by-laws of the said corporation, and by a majority of such of them as shall so meet, they shall by ballot elect ten members to be trustees of the said corporation, for the year then next ensuing, and until others shall be chosen; and the common council of the said city of Hudson shall, at their meeting in the month of April next, and in the month of April of every succeeding year, appoint from the members of the said common council, three trustees to the said corporation, to serve from the first Monday in May of each year until the first Monday of May in the ensuing year, and until others shall be appointed; and the said trustees shall have power to choose, out of their own number, a president, vice president, When & how elected. treasurer and secretary, who shall immediately enter on the duties of their said offices, and shall hold the same during the pleasure of the said trustees; and in case of the death, resignation or refusal to serve, of any of the trustees so elected or chosen, the remaining trustees shall, from the members of the corporation, choose others to supply such vacancies until the next annual election.

IV. *And be it further enacted*, That the trustees of the said corporation shall regularly meet on the first Monday of every month, and at such other times as they shall judge proper and expedient; and that seven or more of the said trustees shall form a quorum for transacting business; and at every such meeting it shall be lawful When to meet.

By-laws.

for them, or a majority of them, to make all such by-laws, rules and regulations, for the government and regulation of the said corporation and its affairs, and for the management and disposal of the estate of the said corporation, as they may deem requisite to promote the design and intent of establishing this corporation, and the same or any part of them to alter, amend or repeal from time to time.

Teachers.

V. *And be it further enacted*, That the said trustees shall and may nominate and appoint such number of teachers and instructors, and other officers and servants, as they may think necessary, and the same dismiss and discharge at their pleasure, and allow and fix their respective compensations; and such teachers, instructors, officers and servants, shall be subject to such rules and regulations as shall be prescribed by the said trustees for their government.

Contributors

VI. *And be it further enacted*, That any person who shall contribute to the benefit of this society, any sum not less than five dollars, shall be deemed a member thereof, and shall be entitled to the privileges granted by this act to the members thereof: *And further*, that any person who shall contribute to the benefit of the said society, any sum not less than twenty dollars, shall be entitled, during the life of such contributor, to send one child to any school under the care and direction of said society, upon the payment of two dollars per annum: *And further*, that any person who shall contribute to the benefit of this society, fifty dollars or more, shall be entitled, during the life of such contributor, to send one child to any school under the care and direction of said society, subject, nevertheless, to the by-laws, rules and regulations of the said society.

School fund.

VII. *And be it further enacted*, That the treasurer of the county of Columbia shall annually pay into the hands of the treasurer of the "Hudson Lancaster school society," such sums as shall be apportioned from the school fund to the city of Hudson, which shall be applied by the trustees of said society to the education of such poor children belonging to the said city as may be in their opinion entitled to gratuitous education, and to the support and maintenance of the school or schools established by them: *And further*, that the second section of an act, entitled "an act authorising the application of the common school monies in the village of Athens, and in the city of Hudson, to the education of the poor children," be and the same is hereby repealed.

Monies from
licences.

VIII. *And be it further enacted*, That it shall be lawful for the chamberlain of the city of Hudson, and he is hereby required, to pay into the hands of the treasurer of the Hudson Lancaster school society, all monies which shall or may hereafter be received by him, arising from licences granted, or to be granted by the common council of the city of Hudson, under and by virtue of an act, entitled "an act to lay a duty on strong liquors, and for regulating inns and taverns."

Report an-
nually.

IX. *And be it further enacted*, That annually on the last Monday of April in each year, it shall be the duty of the trustees to report to the common council of the city of Hudson, a statement of the property and funds of the society, the amount of expenditures for the year, the number of scholars educated at their school, designating whether gratuitously or not, and the amount of donations and payments received.

X. *And be it further enacted*, That the mayor, recorder, aldermen and assistants of the city of Hudson, shall ex-officio, for the time being, be members of the Hudson Lancaster school society.

XI. *And be it further enacted*, That this act shall be, and hereby is declared to be a public act, and shall be construed benignly and favorably for every beneficial purpose hereby intended; nor shall any non user of the privileges hereby granted to the said corporation, create or produce any forfeiture of the same.

CHAP. CCLXXIII.

AN ACT *relative to the toll bridges within this state.*

Passed April 15, 1817.

Be it enacted by the people of the state of New-York, represented in senate and assembly, That it shall not be lawful for any person or persons crossing any toll bridge within this state, and riding any horse or mule, or driving any carriage, team, cattle, horses or mules, to travel faster than on a walk; and that any person or persons who shall, in passing over said bridge, designedly or wilfully ride any horse or mule, or drive any carriage, team, cattle or horses, faster than on a walk, shall forfeit and pay a penalty of one dollar for each and every such offence, to be sued for and recovered by and in the name of the toll gatherer for the times being of such bridge, in an action of trespass, in any court having cognizance of the same; which action shall, in every instance, be considered transitory in its nature: *Provided*, the said toll gatherer or the proprietors of such bridge, shall cause a notice, in large capital letters, of the above penalty, to be fixed at some public and conspicuous place at each end of such bridge: *Provided however*, nothing herein contained shall relate to the bridges over the Cayuga lake.

CHAP. CCLXXIV.

AN ACT *to incorporate the Baptist Theological Seminary and for other purposes.*

Passed April 15, 1817.

WHEREAS the members of an association instituted in this state for the purpose of educating pious young men to the gospel ministry, have petitioned for an act of incorporation, the better to enable them to attain the objects of their association: Therefore, Preamble.

BE it enacted by the people of the state of New-York, represented in senate and assembly, That John Stanford, Matthias B. Tallmadge, John Wethington, Thomas Stokes, John Williams, Archibald MacLay, Edward Probyn, John Cauldwell, Robert Thompson, Charles Postley, Leonard Bleecker, Eliakim Raymond, Thomas Garniss, and company, and such other persons as now are or hereafter may be associated with them, shall be and hereby are constituted a body corporate and politic in fact and in name, by the name of Association.

Style.

Privileges.

Proviso.

By-laws.

Proviso.

Mistomer
shall not vio-
late, contract
&c.Canal Com-
missioners,
4,000 dollars
may be paid
them.

"the Baptist theological seminary," and by that name shall have succession, and be in law capable of suing and being sued, defending and being defended, in all courts and places, and in all manner of actions and cases whatsoever; and may have a common seal and change the same at their pleasure; and by that name and style be capable in law of purchasing, holding and enjoying, to them and their successors, any real estate, in fee simple or otherwise, and any goods, chattels and personal estate, and of selling or otherwise disposing of the said real and personal estate, or any part thereof, at their will and pleasure: *Provided always*, that the clear annual value or income of such real and personal estate, shall not exceed the sum of five thousand dollars.

II. *And be it further enacted*, That the said associates and their successors may, from time to time, make such constitution, by-laws, ordinances and regulations, for the appointment of officers, the government of the seminary, the management of their property, and conducting all their concerns, as to them shall appear proper: *Provided*, the same be not inconsistent with the laws or constitution of this state or of the United States.

III. *And be it further enacted*, That this act be and is hereby declared a public act, and that the same be construed in all courts and places benignly and favorably for every beneficial purpose therein intended, and that no misnomer of the said corporation, in any deed, gift, grant, demise or other instrument of contract or conveyance, shall vitiate or defeat the same: *Provided* the corporation shall be sufficiently described to ascertain the intention of the parties.

IV. *And be it further enacted*, That it shall and may be lawful for the comptroller to draw his warrant on the treasurer, in favor of the canal commissioners for the whole or such part as they may require of the sum of four thousand dollars, appropriated by the ninth section of the act, entitled "an act for the payment of certain officers of government," passed the present session, prior to their accounting for the expenditure of said money, any thing in said ninth section to the contrary notwithstanding.

CHAP. CCLXXV.

AN ACT to regulate sales by public auction.

Passed April 15, 1817.

Goods, &c.
after the 1st
May subject
to certain
duties.Goods sold at
auction in all
cases liable
to duties.

I. *BE it enacted by the people of the state of New-York, represented in senate and assembly*, That all goods, wares, merchandizes and effects whatsoever, which shall at any time from and after the first day of May next, be exposed to sale at public auction or vendue within this state, by any auctioneer, or other person duly authorised, or appointed as is herein after directed, shall be struck off to the highest bidder, and shall be subject to the following duties, each and every time such goods may be so struck off or bought in, to wit:—All wines and ardent spirits, whether foreign or domestic, two dollars for every hundred dollars of the value for which the same shall be sold; all goods, wares, merchandizes and effects whatsoever, of the growth,

produce, or imported from any place beyond the Cape of Good Hope, and which shall be sold in packages, bales, trunks or casks, as the same were imported, one dollar for every hundred dollars of the value for which the same shall be sold; and for all other goods, wares, merchandizes and effects whatsoever, one dollar and fifty cents for every hundred dollars of the value for which the same shall be sold, and at and after the same rate for any greater or less sum, to be paid by the person who shall so sell the same. And in all cases where the auctioneer or the owner of such goods so exposed to sale, or any person employed by them, or either of them, shall be the highest bidder, the said goods, wares, merchandizes or effects shall be subject to the payment of the same duties as if they had been sold to any other person.

II. *And be it further enacted*, That the person administering the government of this state, by and with the advice and consent of the council of appointment, shall annually appoint so many persons within this state to be auctioneers, as they shall judge proper: *Provided*, that the number to be appointed for the city of New-York shall not at any one time exceed thirty-six.

Auctioneers
to be appointed.

III. *And be it further enacted*, That if any person or persons, not appointed and authorised in the manner by this act directed, nor by or under the authority of the United States, shall sell or attempt to sell any goods, wares, merchandizes or effects whatsoever, by way of public auction or vendue, within this state, he shall be considered guilty of a misdemeanor, and shall on conviction be fined in a sum not exceeding five hundred dollars, or imprisoned for a term not exceeding three months, or both, at the discretion of the court before whom such conviction shall take place.

Not to sell
without authority.

IV. *And be it further enacted*, That no person so to be appointed an auctioneer by virtue of this act, shall enter upon the execution of his office until he shall have entered into a recognizance to the people of this state, with two sufficient sureties, being freeholders, in the sum of five thousand dollars, conditioned for the payment of the duties herein before mentioned, to the treasurer of this state, and also that he shall in all things, well, truly and faithfully behave and conform himself according to the true intent and meaning of this act; which recognizance shall, in the cities of New-York, Albany, Hudson, Schenectady and Troy, be taken by the mayor or recorder of the said cities respectively; and in the counties of Albany, Columbia, Schenectady and Rensselaer, and the other counties of this state, by any judge of the court of common pleas for such county; and duplicates shall be made of the record of every such recognizance, by the person taking the same, one whereof shall be delivered, or cause to be delivered by such auctioneer, within ten days after the date of such record, to the comptroller of this state, and the other shall be retained by the person taking the recognizance. And every auctioneer who shall sell any goods, wares, merchandizes or effects, by way of public auction, without having entered into such recognizance as aforesaid, shall forfeit the sum of one hundred and twenty-five dollars for each and every article so exposed to sale, to be sued for by the attorney-general, in the name and for the use of the people of this state, in any court of record having cognizance thereof.

Recognizance to be
entered into.

Forfeiture
for neglect.

Account of
sales when
and to whom
rendered.

V. *And be it further enacted*, That every auctioneer duly appointed and authorized by virtue of this act, in and for the city of New-York, who shall sell any goods, wares, merchandizes or effects at public auction or vendue, shall, within twenty days after the first days of April, July, October and January of the year for which he shall have been appointed, render to the mayor or recorder of the said city, a true and particular account in writing, of the monies or sums for which any goods, wares, merchandizes or effects, shall have been sold at every sale at auction by him made, from the time of his entering into the recognizance aforesaid, or the time that the last account was rendered by him in conformity to this act, of the amount of each day's sale, and the days when the same were respectively sold, distinguishing the sales made by himself personally, or in his presence, and those made by his partner or partners, or clerks, in consequence of his absence, from inability to attend, by sickness of himself or family, by his duties as a fireman, by reason of military orders, or by necessary attendance upon any court of justice as a witness, juror or party to a suit; setting forth also the amount of sales of all goods, wares, merchandizes and effects, sent or entrusted to him, his partner or partners, for sale, and by him or them sold on commission at private sale, and the days on which the same were sold, and particularizing the amounts of the several duties chargeable on the said sales at auction, or at private sale, by virtue of this act; and shall thereupon take, before the said mayor or recorder, the following oath or affirmation, as the case may require: "I,

Oath to be
taken,

do solemnly and sincerely swear (or affirm) that the account now exhibited by me, and to which I have subscribed my name, contains a just and true account of all the goods, wares, merchandize and effects sold or struck off, or bought in by me at public sale, or sold by me at private sale on commission, whether subject to duty or not, or sold, struck off, or bought in as aforesaid, by others in my name, or under my direction, or for my benefit, within the time mentioned in the said account; and of the days upon which the same were respectively sold: and that I have attended personally such of the said public sales as are not stated in the said account to have been made without my attendance, and that the causes therein mentioned, of my absence from such sales as I did not attend, are truly stated: That I have examined the entries of all the sales mentioned in said account, in the book kept by me for that purpose, and fully believe this account to be in all respects correct; and further, that I have, during the time therein mentioned, conformed in all things to the true intent and meaning of the act, entitled "an act to regulate sales at auction," according to the best of my knowledge, information and belief." And all and every the partner and partners of any such auctioneer shall also make and subscribe an oath to be endorsed on the said account, that he or they respectively believe the said account to be correct and true in every particular. And every such auctioneer shall within ten days after the rendering such account, and taking such oath or affirmation, pay the amount of duty upon such account of sales to the bank of New-York, for the use of this state, which monies shall be credited by the said bank to the treasurer of this state; and the account, with the oath or affirmation endorsed, and the receipt for the payment of the money to the bank, shall by the person rendering such account,

Duties where
to be paid,
&c.

and making such payment, be immediately transmitted to the comptroller, to be filed in his office; and the comptroller shall thereupon certify the same to the treasurer, and charge him with the amount thereof.

VI. *And be it further enacted*, That every auctioneer appointed and authorised by virtue of this act, in any other city or county of this state, shall within the time before limited, render a like account to one of the judges of the court of common pleas of the county in which such auctioneer shall reside, under the like oath or affirmation, to be administered by such judge, and shall within the like time thereafter, pay the amount of duty upon such account of sales, to the treasurer of this state, and deliver such account, with the said oath or affirmation endorsed thereon, to the comptroller of this state: *And further*, That every auctioneer to be appointed as aforesaid, for any city or county of this state, if he make no sale of goods, wares merchandize or effects, at public auction, or of articles sent or entrusted to him to be sold at private sale, on commission, within the time limited for accounting as aforesaid, shall make oath or affirmation of those facts before the said mayor, recorder or judge, and shall transmit a copy of such oath or affirmation to the comptroller's office, within the time limited for accounting in case of sales.

Auctioneers living out of the city of N. York.

VII. *And be it further enacted*, That if any auctioneer in the city of New-York, shall refuse or neglect to deliver, or cause to be delivered, to the comptroller, a duplicate of the record of his recognizance, as prescribed by the fourth section of this act, or if any auctioneer of this state shall neglect or refuse to render an account, or to pay the money due from him to the state for duties according to law, or to make oath or affirmation as directed in the fifth or the sixth section of this act, as circumstances may require, or to transmit to the comptroller of this state such account, receipt or oath or affirmation as directed by this act, the said comptroller shall, in every such case, certify and publish such neglect or refusal in one or more of the public newspapers printed in this state; and from the time of publishing such advertisement, such delinquent auctioneer shall be deemed to have forfeited his appointment, and shall be thereby disqualified from acting as an auctioneer under the same; and every such person so neglecting or refusing shall also, for every such offence, forfeit seven hundred and fifty dollars, which forfeiture the comptroller shall direct the attorney-general to cause to be sued for and recovered in the name and for the use of the people of this state, in any court of record having cognizance thereof.

Auctioneers offending against certain provisions of this act, shall forfeit his appointment & 750 dollars.

VIII. *And be it further enacted*, That all lands and tenements, goods belonging to this state or the United States, all goods and chattels which shall be seized by any public officer for or on account of any forfeiture or penalty, ships and vessels, goods and effects of deceased persons, or goods distrained for rent or taken on execution, effects of any bankrupt or insolvent debtor transferred or conveyed to assignees pursuant to any law concerning bankrupts or insolvents, or transferred or conveyed to assignees by a general assignment for the benefit of all his creditors, utensils of husbandry, goods damaged at sea and sold for the benefit of the owners or insurers, within twenty days after the same shall be landed, under the inspection of the wardens of the port of New-York, or of such inspector or inspectors as

What goods, &c. exempted from duties.

are herein after mentioned, horses, neat cattle, hogs, sheep, all articles of the growth, produce or manufacture of this state, except distilled spirits, and all fabrics of cotton, wool, hemp and flax, manufactured within the United States or any of the territories thereof, shall in no wise be subject to but are hereby exempted and declared free from the duty aforesaid, (and may be sold by any person being a citizen of this state, in any part of this state, other than the city and county of New-York; and that goods damaged at sea, and sold for the benefit of the owners or insurers, in any other city or county than the city of New-York, shall be sold under the inspection of such person or persons as shall be thereunto appointed, in the cities of Albany and Hudson, by the mayor, or in case of his sickness or absence, the recorders of said cities respectively; and in the counties of Albany and Columbia, and the other counties of this state, by the first judge, or in case of his sickness or absence, any other judge of the court of common pleas for such county; and the said civil officers are hereby authorised and required to appoint, in each such city and county, one or more, not exceeding three, discreet persons to be inspectors of such damaged goods as aforesaid.

IX. *And be it further enacted*, That no auctioneer in either of the said cities of New-York, Albany, Hudson, Schenectady or Troy, shall at the same time have more than one house or store for the purpose of holding an auction; and that every auctioneer in said cities shall designate in writing such house or store, and also his partner or partners, if any, engaged with him in his said business, which said writing shall be deposited by such auctioneer with the mayor of the city wherefor he is appointed; and that no auctioneer shall expose to sale by public auction or vendue, within either of the said cities, any goods, wares, merchandize or effects whatsoever, liable to the duty aforesaid, at any other places than in the said houses and stores respectively to be designated as aforesaid, except goods, wares or merchandize which shall be sold in the original package in which they were imported, household furniture, and such bulky articles as have usually been sold at auction in ware houses, or in the public streets or wharves, at or near the place, than in the respective houses and stores, to be designated as is hereby directed; and if any auctioneer in either of the said cities shall enter upon the execution of his office, or shall permit any person to act in his behalf, without designating his said house or store, or his said partner or partners, if any, in the manner and form herein prescribed, or shall hold any auction at any other place than the place so designated, except for the sale of the articles herein above excepted, he shall be deemed guilty of a misdemeanor, and on conviction shall be fined in a sum not exceeding two hundred and fifty dollars; and it shall be the duty of the court before whom such conviction is had, to transmit forthwith a particular report thereof to the person administering the government of this state, who is hereby authorised in his discretion, in the recess of the council of appointment, to inhibit the person so convicted from acting as auctioneer as long as such inhibition shall continue: *Provided always*, That the mayor, aldermen and commonalty of the said cities respectively, shall be and are hereby authorised to designate such place or places, for the sale of horses, carriages, and household furniture, as to them shall seem proper and expedient.

Sale of damaged goods.

Inspectors thereof appointed.

Auctioneers to have but one store.

What articles to be sold in their stores, &c.

Fine for misdemeanor.

Provide.

X. *And be it further enacted*, That all goods, wares, merchandizes and effects whatsoever, except books or prints not prohibited by law, which shall be exposed to sale at public auction or vendue within the city of New-York, by any auctioneer duly authorized according to the directions of this act, shall be so exposed to sale in open day, between sunrise and sunset; and any auctioneer who shall act contrary hereto, shall for such offence be deemed to have forfeited his appointment, and shall be thereafter disqualified from acting as an auctioneer under the same.

Auctions to be held in open day, except books, &c.

XI. *And be it further enacted*, That no auctioneer duly authorised as aforesaid, or any other person whomsoever, shall, at the day and place when he shall hold his public auction or vendue, sell at private sale any goods, wares, merchandizes of effects liable to the duty aforesaid, under the penalty of one thousand two hundred and fifty dollars for every such offence; and all articles sent or entrusted to an auctioneer for sale, and by him sold on commission, whether at auction or private sale, shall be liable to the duty aforesaid, which said penalties may severally be recovered by any person who will prosecute for the same, in any court having cognizance thereof, by action of debt or information, the one moiety of each penalty, when so recovered, to be for the use of the people of this state, and the other moiety to the person who shall sue for the same: *Provided however*, That any auctioneer may employ his copartner or his clerk, to hold such auction or vendue, in case of his inability to attend, by sickness, by his duty as a fireman, by reason of military orders, or by necessary attendance upon any court of justice as a witness, a juror, or a party to a suit; in which cases the person so acting shall note in the account to be delivered, according to the fifth and sixth section of this act, his name or the initials thereof, opposite to the respective accounts of sales so by him made; and shall annex an affidavit or affirmation to the said account, stating that the said sales so noted are all the sales by him made at auction, or at private sale or on commission liable to duty, within the time therein mentioned, and that the account given thereof is just and true; that the sales were made by him in the absence of the said auctioneer, from inability of the latter to attend from sickness, or the other causes for non-attendance mentioned in said account; and that in all acts performed by the deponent or affirmant, for or on behalf of the said auctioneer, within the aforesaid time, he hath strictly conformed to the true intent and meaning of this act.

Not to sell at private sale on auction days.

Articles liable to duties

Proviso.

When partners and clerks may sell, &c.

XI. *And be it further enacted*, That it shall not be lawful for any person whomsoever, to sell at public auction or vendue within this state, any public securities or stock, created under the acts of the congress of the United States, or of any individual state, except such stock belong to the estate of a person deceased, or to a bankrupt or insolvent debtor, and transferred or conveyed to assignees pursuant to any law concerning bankrupts, or insolvents, or transferred or conveyed to assignees by a general assignment for the benefit of all the creditors of such bankrupt or insolvent, under the penalty of two hundred and fifty dollars for each offence, to be recovered by any person who will sue for the same, in any court having cognizance thereof, by action of debt or by information, the one moiety thereof, when recovered, to be for the use of the people of this state, and the other moiety to the person so prosecuting.

In what cases they may sell U. S. stock, or stock of individual states. Penalty 250 dollars.

Shall give notice of sale when it is at any other place than his store.

XIII. And be it further enacted, That no auctioneer shall expose to sale, or cause to be exposed to sale at auction, at any place other than the auction house or store, to be designated by him in writing, according to the provisions of the ninth section of this act, any goods, wares, merchandizes or effects, which he is authorised by this act to sell, at any other place than his said auction house or store, without giving at least two days previous notice of such sale, in one or more of the public newspapers printed in the city or county where in the said sales shall take place; and that every auctioneer offending in the premises, shall be subject to a penalty of five hundred dollars, to be recovered in any court of record, by any person who will prosecute for the same.

Penalty 500 dollars.

If an auctioneer receives more than 2 and a half per cent on the sale of goods, &c. unless an agreement be made in writing, he shall forfeit two hundred and fifty dollars.

XIV. And be it further enacted, That every auctioneer who shall receive or accept of any higher or further reward for his service in the sale of any goods, wares, merchandize or effects, which shall be committed to his care, than at and after the rate of two and a half per cent. on the value to which the said goods, wares, merchandize or effects by him actually sold, shall amount, unless a previous agreement be made in writing between the owner of such goods, wares, merchandize or effects; and such auctioneer for a higher or further reward, shall forfeit the sum of two hundred and fifty dollars for every such offence, to be recovered in the name and for the use of the people of this state, under the direction of the comptroller as aforesaid.

Comptroller shall send to auctioneers annually, copies of all auction laws, and also report to legislature.

XV. And be it further enacted, That it shall be the duty of the comptroller of this state, to transmit annually, by mail or otherwise, to all auctioneers appointed by virtue of this act, copies of all laws of this state relative to sales at auction; and that it shall also be his duty to make an annual report to the legislature, of the returns made by the said auctioneers, for the quarters preceding the first days of July, October, January and April, pursuant to the provisions of this act.

Auctioneers of this state accepting similar appointment from any other state, shall forfeit his appointment, &c.

XVI. And be it further enacted, That if any auctioneer appointed for any city or county of this state, shall accept at any time during the continuance of his appointment as such auctioneer, an appointment as auctioneer from any other state, or shall be concerned as principal or partner in selling any goods, wares, merchandizes or effects in any other state, at public auction, or shall receive any reward, compensation or benefit, for or on account of any such sale, such auctioneer shall be deemed to have forfeited his appointment as auctioneer for such city or county, and shall for ever thereafter be incapable of acting as an auctioneer in this state.

On conviction of fraud or deceit, shall forfeit 1,250 dollars.

XVII. And be it further enacted, That if any person shall be guilty of any fraud, or deceit in the execution of this act, or in eluding or defeating the operation thereof, every such person shall, on conviction thereof, forfeit the sum of twelve hundred and fifty dollars, as a penalty for every such offence, to be recovered by any person who will sue for the same, by action of debt, or information, in any court having cognizance thereof; the one moiety thereof, when recovered, to be for the use of such person, and the other moiety to be for the use of the people of this state.

XVIII. *And be it further enacted*, That if no person shall within seven days after any offence shall be committed against this act, prosecute for the penalties therein mentioned, it shall be lawful for the comptroller to direct the attorney-general to prosecute for the same, which penalties, when recovered, shall be paid to the treasurer for the use of the people of this state.

Attorney-general shall prosecute seven days after any offence, if no person previously should.

XIX. *And be it further enacted*, That every auctioneer on rendering his quarterly accounts of sales to the mayor or recorder of New-York, or to the comptroller as prescribed by this act, shall pay for the use of the state to the bank of New-York, or to the treasurer of the state, two and an half per cent. on the amount of duties paid by said auctioneer, during the period for which said account is rendered; of which duties the auctioneer shall endorse an account on the quarterly accounts rendered as aforesaid.

Shall pay on rendering his quarterly accounts for the use of the state, two and a half per cent.

XX. *And be it further enacted*, That the act, entitled "an act to regulate sales by public auction, and to prevent stock-jobbing," except the eighteenth section thereof, and also the act, entitled "an act relative to the duty upon goods sold by auctioneers," be and the same are hereby repealed.

Former acts repealed.

XXI. *And be it further enacted*, That if any person shall wilfully swear or affirm falsely, touching any matter herein before required to be verified by oath or affirmation, he shall suffer the pains and penalties which by law are prescribed for wilful and corrupt perjury, and if an officer, shall forfeit his office, and be incapable of afterwards holding any office under this state.

False swearing declared corrupt perjury and forfeiture of office.

CHAP. CCLXXVI.

AN ACT to amend an act, entitled "an act to incorporate the Westchester and Dutchess turnpike company, passed March 9th, 1810."

Passed April 15, 1817.

I. *BE it enacted by the People of the state of New-York, represented in Senate and Assembly*, That all such part of the road mentioned in the act hereby amended, leading from the house of Rowland Bailey, in the town of Fredericks, in the county of Dutchess, and now county of Putnam, to the town of Pauldicks, in the county of Dutchess aforesaid, be and the same is hereby discontinued.

What part of road discontinued.

II. *And be it further enacted*, That the said president, directors and company, shall have full power to change the route of said road, so as to extend the same from the house of Rowland Bailey, aforesaid, to or near the house of the Widow Boyd, from thence in a northerly direction, intersecting the Philipstown turnpike, near Ferry's Hill, in the town of Fredericks, aforesaid; from thence to or near the house of Benjamin Ogden, in the town of Fishkill; from thence on the most eligible route, to or near the house of Jacob Audriance, or until it communicates with the Fishkill mountain turnpike, at the foot of the mountain, in the town of Fishkill, a distance of about seven miles.

May change the route.

Privileges
and restric-
tions.

Half toll
gates.

III. *And be it further enacted*, That the aforesaid president, directors and company be entitled to the same privileges of erecting gates and receiving toll, and so forth, on said road, and likewise subject to the same restrictions and regulations as contained in the act hereby amended, except such only as this act shall except.

IV. *And be it further enacted*, That it shall be lawful for said company, to erect half toll gates on any five miles of said road when completed, and to exact and receive from all persons travelling on and using said road, at such gates so erected, half the rates of toll mentioned in the act hereby amended.

CHAP. CCLXXVII.

AN ACT to amend an act, entitled "*an act relative to the village of Ballston Spa.*"

Passed April 15, 1817.

I. *BE it enacted by the people of the State of New-York, represented in senate and assembly*, That the trustees of the village of Ballston Spa, be and are hereby authorised to organize a company of firemen to consist of one captain, one assistant captain, one secretary and treasurer, one steward and twenty-one privates, being inhabitants of said village, all of whom to be appointed by the trustees for the time being, and who shall severally hold their places during the pleasure of the said trustees.

II. *And be it further enacted*, That the said company be authorised to make by-laws for the regulations of said company, and the same to alter or abolish at their pleasure: *Provided*, That no by-law shall be binding on the said company, nor shall any alteration or amendment be made, unless the same be ratified by two-thirds of the said company and a majority of the trustees.

III. *And be it further enacted*, That the firemen actually belonging to said company, during their continuance therein, shall be exempt from the ordinary duty of the militia of this state, any law to the contrary notwithstanding.

CHAP. CCLXXVIII.

AN ACT concerning bills of exceptions and for other purposes.

Passed April 15, 1817.

Bill of excep-
tions duly
taken shall
be filed, &c.

Court shall
return bill of
exceptions
with records,
&c.

I. *BE it enacted by the people of the State of New-York, represented in senate and assembly*, That where any bill of exceptions shall be duly taken, and signed and allowed, in mayor's court or court of common pleas, it shall and may be lawful to file the said exceptions in the clerk's office of the said court; and it shall be the duty of the said court to return the said bill of exceptions duly certified by the clerk of the said court, together with the records and proceedings upon the writ of error which may be issued and directed to them in the said cause for the removal thereof, and that it shall not

hereafter be necessary for the judges of the said court, or any of them to appear in the supreme court, to acknowledge their seals and signatures to the said bill of exceptions, any law to the contrary hereof notwithstanding.

And not appear in supreme court, &c.

II. *And be it further enacted*, That where any action for assault and battery, false imprisonment, or for slanderous words, commenced in any mayor's court or court of common pleas, shall be removed into the supreme court by the defendant, and the plaintiff shall recover damages, he shall also recover costs in the supreme court, together with costs in the court below.

Actions removed to supreme court, when plaintiff shall recover costs in each court

III. *And be it further enacted*, That it shall be the duty of the police justices of the city of Albany, for the time being, on the first Mondays in May and November in every year hereafter, to account on oath, before the mayor or recorder, for all such monies, goods, wares and merchandize as shall then remain unclaimed in the said police-office, and immediately thereafter to give notice for six weeks, in one of the public newspapers printed in the city of Albany, to all persons interested in or claiming such property: *Provided always*, That if any goods, wares, merchandize or chattels, of a perishable nature, or which shall be expensive to keep, shall at any time remain unclaimed in said police office, it shall be lawful for the said police justices to sell the same at public auction, at such time and after such notice as to them and the said mayor and recorder shall seem proper.

Police justices of the city of Albany, when they shall account on oath.

Their duty.

IV. *And be it further enacted*, That it shall be the duty of all justices who may recover or obtain possession of any stolen property, on receiving satisfactory proof of property from the owner, to deliver such property to the owner thereof, on his paying all necessary and reasonable expenses which may have been incurred for the preservation or sustenance of such property.

Justices duty in relation to stolen property.

V. *And be it further enacted*, That it shall be the duty of the police justices to cause all property unclaimed, after the expiration of the first mentioned notice, (money excepted) to be sold at public auction to the highest bidder, and the proceeds thereof forthwith to pay to the chamberlain of the said city, together with all money (if any) which shall remain in their hands, after such notice as aforesaid, first deducting the charges of said notice and sale.

Further duty of police justices.

VI. *And be it further enacted*, That it shall be lawful for the mayor or recorder of said city, by warrant under his hand, to direct the application of the monies which shall be paid to the said comptroller as aforesaid, towards paying for any extra services and expenses which may be rendered or incurred in detecting and apprehending public offenders: *Provided always*, That a detailed account of such services and expenses shall be first certified by the said police justices and audited by the common council of the said city.

Mayor or recorder relative to expenses in detecting offenders.

VII. *And be it further enacted*, That it shall be the duty of the justices of the peace within this state, who shall impose any fines at any court of special sessions, to cause the said fines to be collected and paid over to one of the justices of such special sessions without delay, whose duty it shall be forthwith to pay such fines to the county treasurer, after deducting the costs of the conviction of the

Justices of the peace shall pay over fines to the county treasurer.

Proviso.

person upon whom such fine shall have been imposed : *Provided always*, that such costs shall not exceed five dollars.

County treasurer may recover fines with costs.

VIII. *And be it further enacted*, That it shall be lawful for the several county treasurers to recover all fines which shall be imposed and collected as aforesaid, within their respective counties, and not paid over in an action on the case, for money had and received to the use of the said county with costs.

CHAP. CCLXXIX.

AN ACT for the relief of Levi Frisbee and Simeon Knight.

Passed April 15, 1817.

I. *BE it enacted by the people of the State of New-York, represented in senate and assembly*, That the treasurer on the warrant of the comptroller, shall pay to Levi Frisbee, two hundred and sixty-three dollars and eighty-eight cents.

II. *And be it further enacted*, That the commissioners of the land office be, and they are hereby authorised and directed, to issue letters patent to Simeon Knight, for one hundred acres of any of the unappropriated lands belonging to the people of this state, in the town of Sterling, in the county of Cayuga.

CHAP. CCLXXX.

AN ACT relative to highways in the towns of Greenbush and Scho-dack, in the county of Rensselaer, and Kinderhook, in the county of Columbia, and for other purposes.

Passed April 15, 1817.

Persons ap-
portioned in
road districts.

I. *BE it enacted by the people of the state of New-York, represented in senate and assembly*, That it shall be lawful for the commissioners of highways in the towns of Greenbush and Schodack, in the county of Rensselaer, and in the town of Kinderhook, in the county of Columbia, in their discretion, to cause all persons liable to work on the highways, in their respective towns, who reside within half a mile of the farmers' turnpike, passing through the said towns, to be apportioned into as many road districts as they may judge convenient, each of which shall include the said turnpike; and shall also cause all such persons to be assessed in the same manner and after the same proportion as the other inhabitants of the said towns; and to require the said persons to work the one equal half of the time for which they may be assessed, on the said farmers' turnpike, under the direction of the president and directors thereof, and whenever they shall request the same; and shall also pay over to the said president and directors the one equal half of all commutation monies received from persons residing within half a mile of the said farmers' turnpike, and liable to work on the highways, to be applied by them to the repair of the said road : *Provided always*, that no person

To work on
farmers' turn-
pike for com-
mutation.

Proviso.

shall be required to work on the said turnpike out of his own road district: *And provided also*, that all persons residing between the north gate on the said turnpike, in the town of Greenbush, and the house of John Brees, including the same, shall and may be permitted to commute with the said president and directors for the toll payable at the said gate, upon the payment of such sum as the said president and directors shall demand therefor, not exceeding five dollars per annum for each person.

II. *And be it further enacted*, That all commissioners and overseers of highways in the said towns of Greenbush, Schodack and Kinderhook, and all persons residing within half a mile of the said farmers' turnpike, shall be subject to the same requirements and regulations, and liable to the same penalties for neglect of the duties prescribed by this act, as are contained in the act, entitled "an act to regulate highways," passed the 19th day of March, 1813: *Provided*, that this act shall be subject to the future revision of the legislature, and may be repealed, amended or modified, as to them shall seem meet and proper.

Penalties for neglect of duty.

III. *And be it further enacted*, That the collection of the amount of all assessments, made in pursuance of the several acts, entitled "an act to appoint commissioners to lay out a road in the county of Montgomery, through the towns therein mentioned," passed April 12, 1816, and an act, entitled "an act appointing commissioners to lay out a road therein mentioned, from the house of John Fay to the Stratford road, near Hankerson's tavern, in the county of Montgomery," be and the same are hereby suspended until the third Monday of March next.

Collections of assessments suspended.

IV. *And be it further enacted*, That in all cases where a county has been or may be divided, and any judgment shall have been recovered in the court of common pleas of such county, on any proceedings instituted previous to such division, such judgment may be revived by fieri facias, to be issued to the sheriff of the county in which such judgment shall be or may have been obtained; and on the revival of any such judgment, an execution may issue to the sheriff of such county, who may execute the same within the bounds of the original county, in the same manner as if such county had not been divided.

Where a county is divided and judgment recovered, sheriff may execute, &c. in the original bounds, &c.

V. *And be it further enacted*, That all losses which may happen on any mortgage of any lands, tenements or hereditaments, situated in the towns of Salisbury, Manheim and Danube, formerly a part of the county of Montgomery, and which mortgages have heretofore been given to the loan officers of the county of Montgomery, shall be borne by the said towns; and the supervisors of the said county of Herkimer, shall cause all such deficiencies to be raised in the same towns, and to be paid to the loan officers of the county of Montgomery.

Losses on mortgages to loan officers, how paid.

VI. *And be it further enacted*, That the twenty-second section of the act relative to the duties and privileges of towns, passed April 19th, 1813, shall only extend to the farm or farms intersected by the line of any town or towns and being within the same county, and not to any farm or farms intersected by the line of any two towns adjoining and lying in different counties, any law to the contrary notwithstanding.

22d section of the act relative to towns, shall not extend, &c.

CHAP. CCLXXXI.

AN ACT granting to the inhabitants of the county of Oswego certain lands therein mentioned, for the purpose of erecting a court house and other public buildings in said county.

Passed April 15, 1817.

Preamble,

WHEREAS, by a certain clause in the act erecting the county of Oswego, Parley Keyes, Stephen Bates and Ethel Bronson, were appointed commissioners for the purpose of determining the sites for the court houses in said county : *And whereas* the said commissioners did determine, that the site for the court house for the western district of said county, should be in the village of East Oswego, on block number one hundred and one, which with lands lying adjacent thereto, belong to the people of this state, and which in consequence of their contiguity to the public buildings are greatly increased in value : Therefore,

Sites.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly*, That block number one hundred and one be granted to the people of the county of Oswego, for the purpose of erecting public buildings thereon ; and also, all other lands lying in the villages of East and West Oswego, which were formerly reserved for these purposes, may be sold or disposed of by the commissioners hereafter appointed for the building of said court-house, to the sole purpose of building the same.

Commissioners for building court house.

II. *And be it further enacted*, That Nathan Sage, Levi S. Burr, Richard Goodell, Abner P. Spencer and Alvin Bronson, are hereby appointed commissioners for the purpose of building said court house, in the village of East Oswego, on block number one hundred and one ; and they or a major part of them, are hereby authorised to sell and dispose of all other lands hereby granted for that purpose, to any person whatsoever, and give a good and sufficient title thereto in their own names or the names of the major part of them, and appropriate the avails of said lands exclusively to the building and completing the said court house.

Ascancies how filled.

III. *And be it further enacted*, That in case either of the above named commissioners should die or remove from said county, then it shall be lawful for the other commissioners, and they are hereby required to choose another person to supply the place of him so dead or removed, which person when so chosen, shall possess the same powers as either of the survivors have or can enjoy as commissioners under this act.

When they shall commence building.

IV. *And be it further enacted*, That the said commissioners shall commence the building of the said court house within six months after being notified by the supervisors of said county, that there are competent and sufficient funds provided by them and deposited in the treasurer's office of said county, subject to the order of the said commissioners, in addition to those sums which may arise from the sale of the lands hereby granted, to build and complete the said court house.

Supervisors shall audit accounts.

V. *And be it further enacted*, That the supervisors of said county, may from time to time regulate the charges of said commissioners,

and audit all accounts which may be charged by the said commissioners for their services, and all vouchers for money expended by the said commissioners shall be laid by them before the said supervisors of said county, which shall by them be ordered to the credit of said commissioners and immediately paid.

VI. *And be it further enacted*, That this act shall to all intents and purposes be considered as a public act, and construed favorably to the grantees above named.

CHAP. CCLXXXII.

AN ACT *to alter the time of holding town meetings in the town of Granville, in the county of Washington, and town of Fabius, in the county of Onondaga.*

Passed April 15, 1817.

I. *BE it enacted by the people of the state of New-York, represented in senate and assembly*, That the annual town meetings of the freeholders and inhabitants of the town of Granville, in the county of Washington, shall in future be held on the Monday preceding the first Tuesday in March of every year; and that all such town officers whose duty it is to meet on the last Tuesday in March, shall meet on the last Tuesday in February in every year, to do and transact such business as to their respective offices may appertain.

II. *And be it further enacted*, That the annual town meeting of the freeholders and inhabitants of the town of Fabius, in the county of Onondaga, shall in future be held on the first Tuesday of March of every year; and that all such town officers whose duty it is to meet on the last Tuesday in March, shall meet on the last Tuesday of February in every year, to do and transact such business as to their respective offices may appertain.

CHAP. CCLXXXIII.

AN ACT *for the relief of the collector of taxes of the town of Galen, in the county of Seneca.*

Passed April 15, 1817.

WHEREAS it is represented to the legislature, that the collector of the town of Galen, in the county of Seneca, by reason of sickness, was unable to make his returns of taxes the present year within the time required by the act, entitled "an act for the assessment and collection of taxes," passed April 5th, 1813: Therefore,

I *BE it enacted by the people of the State of New-York, represented in senate and assembly*, That it shall and may be lawful for the treasurer of the said county, at any time before the first day of June next, to settle with the said collector for the taxes of the said town for the year one thousand eight hundred and sixteen, in the manner prescribed by the said act, and it shall be and is hereby

made the duty of the said treasurer, within thirty days thereafter, to transmit to the comptroller the returns and arrears of the said taxes for the said town, and the same proceedings shall thereupon be had, for the collection of said taxes, as in ordinary cases.

CHAP. CCLXXXIV.

AN ACT to lay out a road from the west line of Montgomery county, near the house of Erastus Hamblin, in the town of Fairfield, in the county of Herkimer, to the village of Utica.

Passed April 15, 1817.

Commissioners appointed.

I. *BE it enacted by the people of the State of New-York, represented in senate and assembly,* That Thaddeus Loomis, of Salisbury, Stephen Ayres, of Fairfield, and Robert Burtch, of Schuyler, be and they are hereby authorised and empowered to lay out a road, four rods wide, beginning at the west line of Montgomery county, near the house of Erastus Hamblin, in the town of Fairfield, in the county of Herkimer, and running thence to the college in said town; thence on the most direct and convenient route, to the village of Utica: *Provided,* that the lands through which the said road may be laid shall be gratuitously given for that purpose by the owner or owners thereof.

Oath to be taken.

II. *And be it further enacted,* That each of the said commissioners shall, before he enters upon the duties of said office, take and subscribe an oath or affirmation before a justice of the peace, that he will in all things faithfully and impartially execute the duties imposed upon him by the provisions of this act.

Shall file a map.

III. *And be it further enacted,* That the said commissioners shall cause to be made an accurate map of the said road, together with the courses and distances of the same, and shall cause to be filed a map of such parts of the said road as shall pass through the several towns in their respective town clerk's offices for record.

Road to be opened, &c.

IV. *And be it further enacted,* That the town commissioners of the towns through which the said road shall pass, shall, without delay, after the said road shall be recorded as aforesaid, cause the said road to be opened and worked in their respective towns, in the same manner as if the said road had been laid out by the said town commissioners.

Allowance.

V. *And be it further enacted,* That each of the commissioners appointed by this act, together with their surveyor, shall be entitled to receive two dollars and fifty cents for each and every day they shall necessarily spend in laying out and establishing said road; and all expences incident to the same, shall be levied, collected and paid, in the several towns as their contingent charges in the said towns are paid, in proportion to the distance the road shall pass through each of said towns.

CHAP. CCLXXXV.

AN ACT to equalize the wards in the city of New-York.

Passed April 15, 1817.

I. BE it enacted by the people of the state of New York, represented in senate and assembly, That the city of New-York shall continue to be divided into ten wards, in the manner following, that is to say, the first ward shall begin in the middle of Broadway, at a point where it is intersected by the middle of Liberty street, and run from the said point of intersection through the middle of Liberty-street southeasterly, to the middle of Maiden lane; thence down the middle of Maiden lane, and from thence in a straight line running in the same direction across the East river, to low water mark on Nassau-Island; and thence along Nassau-Island shore, at low water mark, to the south side of Redhook, and thence across Hudson's river, (so as to include Nutten-Island, Bedlow's Island, Bucking-Island and the Oyster-Islands, and all the waters of this state in the bay of New-York, and to the southward thereof, and which are not comprehended in any other county) to low water mark on the west side of Hudson's river, or so far as the bounds of this state extend there, and up along the west side of Hudson's river, at low water mark, or along the limits of this state, to a place due west from the middle of the west end of Liberty-street; thence to the middle of Liberty-street, through the middle of Broadway, at the place of beginning: the second ward shall begin at the southeasterly corner of the first ward, and run along the easterly bounds thereof across the East river, to the middle of Broadway; thence up the middle of Broadway, to a point opposite to the middle of Chatham-street; thence through the middle of Chatham-street, to a point opposite to the middle of George-street; thence down the middle of George-street, to the middle of Gold-street; thence through the middle of Gold-street, to a point opposite to the middle of Ferry-street; thence thro' the middle of Ferry-street, in a line running in the same direction across the East river, to Nassau-Island, at low water mark; thence along Nassau-Island, at low water mark, to the place of beginning: the third ward shall begin on the west side of Hudson's river, at the northwesterly corner of the first ward and run thence due east, to the middle of Liberty-street; thence through the middle of Liberty-street, to the middle of Broadway; thence through the middle of Broadway, to a point opposite to the middle of Reed-street, and thence through the middle of Reed-street, in a line running in the same direction, across Hudson's river, to low water mark on the west side thereof, or so far as the bounds of this state extend there, and thence down the west side of Hudson's river, at low water mark, or along the limits of this state, to the place of beginning: the fourth ward shall begin at the northerly corner of the second ward, and run through the middle of Chatham-street, to a point opposite to the middle of Catharine-street, and thence through the middle of Catharine-street, in a line running in the same direction, across the East river, to low water mark, on Nassau-Island; thence along Nassau-Island shore, at low water mark, to the bounds of the

Bounds of
1st ward.

2d ward.

3d ward.

4th ward.

- second ward, and thence northwesterly, along the bounds of the second ward, to the place of beginning: the fifth ward shall begin at the northwesterly corner of the third ward, and run along the northerly bounds thereof, to the middle of Broadway; thence through the middle of Broadway, to the middle of Canal-street; thence through the middle of Canal-street, to Hudson's river; thence due west, to low water mark, on the west side of Hudson's river, or so far as the bounds of this state extend there, and thence down along the west side of Hudson's river, at low water mark, or along the limits of this state, to the place of beginning: the sixth ward shall begin at a point in the middle of Broadway, where it is intersected by the middle of Reed-street, and run thence through the middle of Broadway, to where it is intersected by the middle of Grand-street; thence through the middle of Grand-street, to the middle of the Bowery road; thence through the middle of the Bowery road, to the middle of Chatham-street; thence through the middle of Chatham-street, to the middle of Broadway; thence through the middle of Broadway, to the place of beginning: the seventh ward shall begin at the southeasterly corner of the fourth ward, and run thence along the easterly boundary of the fourth ward, to the middle of Division-street; thence through the middle of Division-street, to the middle of Grand-street; thence through the middle of Grand-street, in a line running in the same direction, across the East river, to low water mark on Nassau-Island; thence along Nassau-Island shore, at low water mark, to the place of beginning: the eighth ward shall begin at the northwesterly corner of the fifth ward, and run thence along the northerly bounds of the said ward, to the middle of Broadway; thence through the middle of Broadway, to a point opposite to the middle of Grand-street; thence through the middle of Grand-street, to the middle of the Bowery road; thence through the middle of the Bowery road, to a point opposite to the middle of Art-street; thence through the middle of Art-street, to a point opposite to the middle of Christopher-street; thence through the middle of Christopher-street, to Hudson's river; thence due west to low water mark on the west side of Hudson's river, or so far as the limits of this state extend there; thence down along the west side of Hudson's river, at low water mark, or along the limits of this state, to the place of beginning: the ninth ward shall include all that part of the said city, which lies to the northward and eastward of a line beginning at the northwesterly corner of the eighth ward, and running thence along the northerly bounds thereof, to the middle of the Bowery road; thence down through the middle of the Bowery road, to a point opposite to the middle of Sixth-street; thence down through the middle of Sixth-street, in a line running in the same direction to low water mark on Nassau island; the tenth ward shall include all the residue of the said city.

Elections. II. *And be it further enacted,* That the electors of each ward shall annually choose, according to law, one alderman and one assistant, two assessors, one collector and two constables; and that not less than the mayor or recorder and five aldermen, and five assistants, shall be a quorum of the common council of the said city, or be competent to do any business.

III. *And be it further enacted*, That the first and second wards, as equalized by this act, shall continue to compose a part of the first congressional district.

CHAP. CCLXXXVI.

AN ACT to incorporate the Roman Catholic benevolent society, in the city of New-York.

Passed April 15, 1817.

WHEREAS by a petition, presented to the honorable the legislature, from a number of persons residents in the city of New-York, ^{Practisable.} it is represented that they, together with their associates, have formed a society for the humane and laudable purposes of assisting and relieving the poor, and of protecting and educating orphan children, and have prayed to be incorporated: Therefore,

I. *BE it enacted by the people of the State of New-York, represented in senate and assembly*, That all such persons as now are or hereafter may become members of the said society, shall be and are hereby ordained, constituted and appointed a body politic, ^{Body politic.} in fact and in name, by the name of the "Roman Catholic benevolent society in the city of New-York;" ^{Style} and that by that name they and their successors shall and may, forever hereafter, have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, in all courts and places whatsoever, in all manner of action and actions, suits, matters, complaints and causes whatsoever; and that they and their successors may have a common seal, and may change and alter the same at pleasure; and also, that they and their successors, by the name of the Roman Catholic benevolent society in the city of New-York, shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of the said society: *Provided always*, that such real and personal estate shall be such as is necessary for the purposes of this incorporation, and none other, and shall not at any time exceed the yearly value or income of two thousand five hundred dollars.

II. *And be it further enacted*, That for the better carrying into execution the objects of the said society, there shall be a president, ^{Officers.} three vice presidents, a secretary, two assistant secretaries, a treasurer and thirteen managers, who shall hold their offices for one year or until others are chosen in their room, and shall be elected on Whitsun-Monday in every year, or at such other time and at such places as the corporation shall from time to time appoint; and that every such election shall be by ballot, by a majority of the members present at every such meeting; and that in case any vacancies should happen in either of the said offices, by death, resignation or otherwise, such vacancies shall and may be filled up, for the remainder of the year in which they shall happen, by a special election for that purpose, to be held in the same manner as the annual elections are made, and at such places and times as shall be appointed by the by-laws of the said corporation. ^{When & how elected.}

III. *And be it further enacted*, That Stephen P. Lemoine shall be the first president, Luke Brannan, J. B. A. M. Desceze and ^{First officers.}

Charles Del Vecchio the first vice presidents, Mark Desabaije the first secretary, Michael O'Conner and Hugh Sweeney the first assistant secretaries, John White the first treasurer, and Cornelius Heeny, Francis Cooper, Anthony McDonald, John G. Gosberger, L. St. Julien Bourdell, Robert Fox, John B. Lasala, Patrick Walsh, George Bowen, John Graham, John Olliff, Garrit Byrne and Francois Evard the first managers thereof, who shall hold their offices respectively until Whitsun-Monday in May next, or until others shall be chosen in their room.

Powers.

IV. *And be it further enacted*, That at every ordinary or extraordinary meeting of the society, when twenty-one members are met, they shall have full powers to do and transact all the business thereof.

By-laws.

V. *And be it further enacted*, That the said corporation and their successors, shall have full power to make, constitute, ordain and establish such by-laws, rules, ordinances and regulations as they, from time to time, shall judge proper, for the election of their officers, for the election or admission of new members of the said corporation, and the terms and manner of admission, and the sums that shall be paid yearly by the members of the said society: *Provided always*, that such sum shall not exceed the sum of three dollars yearly and every year; and also for the management and disposition of their stock, property, estate and effects, for the purposes of carrying into effect the objects of this society, and for fixing the times and places of the meetings of the said society, and touching the duties and conduct of the officers of the said corporation, and such other matters as appertain to the business, end and purposes for which the said corporation is by this act constituted, and for no other purposes whatsoever: *Provided always*, that such by-laws, rules and regulations be not repugnant to the constitution and laws of the United States or of this state.

Proviso.

A public act.

VI. *And be it further enacted*, That this act be and hereby is declared to be a public act, and that the same be construed in all courts and places, favorably for every purpose therein mentioned and intended.

CHAP. CCLXXXVII.

AN ACT concerning the bounds of the village of East Oswego.

Passed April 15, 1817.

I. *BE it enacted by the people of the state of New-York, represented in senate and assembly*, That the commissioners of the land office, or a majority of them, be and they are hereby authorised and empowered, on the part of the people of this state, to enter into any agreement or arrangement for a final adjustment and settlement of all manner of controversies and disputes whatsoever, now existing or which may exist at the time of such agreement, between this state and all and every person and persons whatsoever, having or claiming any right or interest in the lands granted to George Scriba by letters patent from this state, dated the twelfth day of December, one thousand seven hundred and ninety-four; or in a certain tract of land therein reserved to the people of this state, whercon the village

of East Oswego now stands, and definitely to fix the bounds of the said reservation, and the rights, privileges and benefits of the water-fall on the river there, and all matters relating thereto, in such manner as they may think just and proper; which agreement shall be binding and conclusive on this state, in the same manner as other parties thereto.

II. *And be it further enacted*, That if the said commissioners cannot effect a settlement of all controversies relating thereto, by agreement, in the manner aforesaid, then that they may consent to and agree upon some amicable suit to have the said controversies definitively settled, by the proper tribunals, with as little delay and expense as possible.

CHAP. CCLXXXVIII.

AN ACT *authorising the commissioners of the land office to sell a tract of land adjoining Tuckseeto pond, in Orange county.*

Passed April 15, 1817.

I. *BE it enacted by the people of the state of New-York, represented in senate and assembly*, That it shall and may be lawful for the commissioners of the land office, and they are hereby directed, to sell a tract of land, not exceeding five hundred acres, adjoining the pond called Tuckseeto pond, in Orange county, to Peter Lorillard and George Lorillard, for such sum as shall be adjudged the value thereof, by Roger Pamele, Isaac Pierson and Hector Craig, or any two of them, which sum shall be paid to the treasurer of this state previous to the granting of such letters patent.

II. *And be it further enacted*, That the appraisers aforesaid shall be allowed at the rate of three dollars to each of them per day for their respective services and expenses, to be paid by the said Peter Lorillard and George Lorillard for the valuation aforesaid, together with the expenses of surveying and granting the same.

CHAP. CCLXXXIX.

AN ACT *to authorise the sale of certain parts of the real estate of Ezra L'Hommedieu, esquire, deceased.*

Passed April 15, 1817.

WHEREAS Sylvester Dering, Thomas S. Lester and Mary C. L'Hommedieu, executors and executrix of the last will and testament of Ezra L'Hommedieu, esquire, late of Suffolk county, deceased, have presented their petition to the legislature, representing in substance, that the said Ezra L'Hommedieu in and by his last will and testament, by him duly made and published, and executed in such manner as to pass real estate, did devise and give, among other things, to his daughter Mary Catharine L'Hommedieu, an infant, if she should arrive at the age of twenty-one years, or before that time if she should marry and have lawful issue, all his real es-

tate, in fee; and further representing, that the real estate, whereof the said Ezra L'Hommedieu died seized, except such parts thereof as were in and by the said last will devised to the widow of the said testator, during her natural life, consists wholly of wild and uncultivated lands, in the counties of Oneida, Broome, Chenango, Oswego, Clinton and Montgomery, unproductive in the hands of the guardians of the said infant, and subject to heavy expense arising from taxes and other incidental charges; that the income arising from the personal estate, bequeathed in and by the said will to the said infant, is insufficient for the payment of the taxes and other necessary expenses relating to the aforesaid lands, and for the maintenance and education of the said infant, and praying that they the petitioners may be authorised by law to sell and dispose of the whole or such part of the said lands, as may be necessary for the purpose of defraying the expenses aforesaid, and to make the said estate more productive: *And whereas* the prayer of the said petitioners appears to the legislature to be reasonable, and the persons interested in remainder having consented thereto: Therefore,

Land may be sold.

I. BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the said Sylvester Dering, Thomas S. Lester and Mary C. L'Hommedieu, the said executors and executrix of the last will and testament of the said Ezra L'Hommedieu, deceased, or the survivors or survivor of them, from time to time, to enter into articles of agreement with any person or persons for the sale of such parts of the said lands, as it shall appear to the chancellor the interest of the said estate requires, or will be benefitted by a sale, upon such terms, credit and conditions as they may deem most advantageous, and shall be approved by the chancellor; and that the said executors, the survivors or survivor of them, under the direction of the chancellor of this state, shall and may execute good and valid conveyances in law to such purchaser or contractor, his heirs and assigns, for the lands so sold, upon receiving the purchase money or adequate security therefor; and that the monies arising from the sales of such lands be placed out at interest or invested in public stocks, or otherwise secured under the direction of the court of chancery, to be applied according to the intent of the said will; and the interest and income thereof, with so much and such parts of the principal as may be necessary for the purpose, shall and may be, from time to time, applied in and about the necessary management and expenses incident to the said lands and the maintenance and education of the said infant.

Preamble.

And whereas it is further represented, the said Ezra L'Hommedieu died seized of certain lands in the county of Oneida, in the purchase of which other persons were interested; that at the time of his death, the title to these lands were vested in the said Ezra L'Hommedieu solely, the other parties interested therein holding only a certificate from the said Ezra L'Hommedieu, specifying their respective interests in the same: *And whereas* it is represented, that at the time of such purchase it was the intention of the parties that the same should be sold by the said Ezra L'Hommedieu, and the avails thereof be divided among the parties interested, in proportion to their respective rights therein: *And whereas* it is further represented,

that a sale of the said lands will be mutually beneficial to all the parties interested: Therefore,

II. *Be it further enacted*, That it shall and may be lawful for the said Sylvester Dering,* Thomas S. Lester and Mary C. L'Homedieu, the survivors and survivor of them, to enter into articles of agreement, with any person or persons, for the sale of all or any part of the said lands, upon such terms, credits and conditions as they shall deem most advantageous to the rights and interests of all the parties interested therein; and that the said Sylvester Dering, Thomas S. Lester and Mary C. L'Homedieu, the survivors and survivor of them, shall and may, under the direction of the chancellor of this state, execute conveyances to the purchaser or purchasers, contractor or contractors, his or their heirs and assigns, for the land so sold or contracted for, upon receiving the purchase money or sufficient security therefor; and that the money arising from the sales of such lands, or the securities to be taken for the purchase money, be paid or delivered over to the parties interested, or their legal representatives, in such manner and in such proportions as the chancellor may order and direct.

CHAP. CCXC.

AN ACT providing more effectually to ascertain and determine the true value of real estates within this state, and for other purposes.

Passed April 15, 1817.

I. *BE it enacted by the people of the state of New-York, represented in senate and assembly*, That it shall be the duty of the assessors of every town and ward within this state, between the first day of May and the first day of July next, and annually thereafter, to make a just and true valuation of the real and personal estates within their towns and wards, respectively, according to the rules and directions prescribed in and by the second and forty-second sections of the act, entitled "an act for the assessment and collection of taxes." Assessors' duty.

II. *And be it further enacted*, That the supervisors of the several counties within this state, shall, at their annual meeting in October next, and yearly thereafter, after examining and equalizing the valuations of the real estates in their counties, respectively, according to the directions of the fourth section of the said act, if they find the aggregate of the said valuations of real estates in their counties respectively, to fall short of such aggregate as lately taken and corrected under the authority of the United States, add such a per centum to the valuations taken under the authority of this state, as to make them equal to the said valuations taken under the authority of the United States. Supervisors' duty.

III. *And be it further enacted*, That it shall be the duty of the clerks of the boards of supervisors, respectively, after the valuations shall be corrected as aforesaid, to make out and certify a statement thereof, shewing the aggregate amount of real and personal estates Clerks' duty.

separately, in each town or ward in their counties respectively, and transmit the same by mail to the comptroller of this state.

Statement of
valuations.

IV. *And be it further enacted*, That it shall be the duty of the comptroller, at the expense of this state, to procure, if the same can be done, a statement or statements of the aggregate of the valuations of real estates in the several towns and wards within this state, as lately made out and corrected under the authority of the United States; and from such statements to make out, for the use of the boards of supervisors of the several counties within this state, a statement for each board of the aggregate valuations of real estates in the several towns or wards within their counties, respectively, and to transmit the same by mail to the clerks of the said boards of supervisors, respectively, to be by them laid before the boards of supervisors, respectively, at their next annual meeting.

Copies of
acts.

V. *And be it further enacted*, That it shall be the duty of the comptroller, forthwith and annually hereafter, in the month of April, to transmit by mail to each county treasurer within this state, a number of printed copies of the acts relating to the assessment and collection of taxes within this state, sufficient to furnish the several officers chosen for the assessment or collection of taxes each with one copy; and the said county treasurers, respectively, shall, after retaining one of said copies for his own use, transmit an equal number of the residuary copies to the supervisors of the respective towns or wards in his county, to be distributed amongst the town or ward officers charged with the duties relating to the assessment or collection of taxes.

Acts relative
to towns.

VI. *And be it further enacted*, That the twenty-second section of the act, entitled "an act relative to the duties and privileges of towns," passed March 19th, 1813, shall only extend to such farm or farms as may be intersected by the division line between towns lying in the same county, and not to any farm or farms intersected by the division line of towns in different counties.

Section re-
pealed.

VII. *And be it further enacted*, That the third section of the act, entitled "an act for the assessment and collection of taxes," be and the same is hereby repealed.

CHAP. CCXCI.

AN ACT to amend the act incorporating the fourth company of the great western turnpike road.

Passed April 15, 1817.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the annual meeting of the said company, shall hereafter be on the second Tuesday in June; and the toll on a horse and rider be reduced from six to four cents, and a led or driven horse three cents, a one horse waggon six cents, and a one horse sleigh four cents, for every ten miles; and the words "public worship," as used in the act which this is intended to amend, is hereby declared to extend only to those going to and from the place of public worship to which they usually resort, within ten miles of their place of residence.

CHAP. CCXCII.

AN ACT for the relief of David Berner and William Borst.

Passed April 15, 1817.

BE it enacted by the people of the State of New-York, represented in senate and assembly, That the comptroller may take from David Berner and William Borst, such security as shall be deemed satisfactory to him, for the sum of eleven hundred and twenty-five dollars and thirty-six cents, with interest from the first day of June, in the year one thousand eight hundred and thirteen, payable in eight equal annual instalments, with interest on the whole sum annually; and that the attorney-general, on receiving a certificate that such security has been given, shall to that amount discharge the said David Berner and William Borst from the judgment and execution against them, at the suit of the people of this state, on a bond given by Harmanus Bouck and Jeremiah Brown, former commissioners of loans for the county of Schoharie, with the said David and William, and others, as sureties, on their paying the costs on such judgment and execution.

CHAP. CCXCIII.

AN ACT to incorporate the Huntington and Smithtown turnpike company.

Passed April 15, 1817.

I. BE it enacted by the people of the State of New-York, represented in senate and assembly, That Silas Wood, Abel Ketcham, Charles H. Havens, Jacob Harned and Walter Jones, and all such others as shall associate with them to make a good and sufficient turnpike road, to begin at Smithtown, at the head of the river or Philip's Mills, running from thence westerly, on or near the post road, to the house of Gilbert Carll, in said town; from thence to or near the house of Oliver Carll; from thence to or near the house of Samuel Wood; from thence on the most eligible route, until it meets the Jericho turnpike road, at the eastern line of the town of Oyster-Bay, near the house of Obadiah Valentine, in Queen's county, shall be and are hereby created a body corporate and politic, in fact and in name, by the name and style of "the president, directors and company of the Huntington and Smithtown turnpike company," and by that name they and their successors shall have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and in all manner of actions, suits complaints, matters and causes whatsoever, and by the same name and style, shall be in law capable of purchasing, holding and conveying any estate real and personal for the use of the said corporation: *Provided*, that such estate so to be purchased and held, shall be necessary to fulfil the objects of the said corporation, and to no other purpose whatsoever.

Road four
rods wide.

II. *And be it further enacted*, That no part of the road to be made by virtue of this act shall be less than four rods wide, and that the bedding of said road shall not be less in breadth than thirty feet, any thing contained in this act or any law to the contrary notwithstanding.

Stock.

III. *And be it further enacted*, That the capital stock of the said company shall consist of eight hundred shares of twenty-five dollars a share; and that Silas Wood, Abel Ketcham, Charles H. Havens, Jacob Harned and Walter Jones, shall be and are hereby appointed commissioners to receive subscriptions for the said stock, in the manner directed in and by the act, entitled "an act relative to turnpike companies," passed March 13, 1807.

Commission-
ers.

Stock may be
increased.

IV. *And be it further enacted*, That if after the said eight hundred shares shall have been appropriated by the president and directors of the said company, in making and completing of the said road, and the gates and toll houses on the same; and if the sum so appropriated shall be found inadequate to the aforesaid objects, then and in such case, it shall and may be lawful for the president and directors of the said company, in order to complete the said road, to increase the stock of the said company, and call upon the stockholders to pay a further sum to be appropriated in an equal ratio, not exceeding five dollars upon each and every share of the said stock.

Commission-
ers to lay out
road.

V. *And be it further enacted*, That the before mentioned Silas Wood, Abel Ketcham, Charles H. Havens, Jacob Harned, and Walter Jones, shall be and hereby are appointed commissioners to lay out the road directed in and by this act, subject to the directions, regulations and restrictions in all respects as are prescribed and contained in and by the aforesaid act, entitled "an act relative to turnpike companies," herein before referred to, and execute all the duties, matters and things therein mentioned, as fully as if the above named commissioners had been appointed in the manner directed in and by the act herein before referred to.

Gates.

VI. *And be it further enacted*, That the company hereby incorporated, shall be entitled to exact and receive at each of the two gates, one of which shall be within one mile of the house of Jeffery A. Woodhull, of Huntington, and the other within one mile of the east end of the Jericho turnpike, to be erected on said road, from every person using the same, for any number of miles not exceeding ten in length of the said road, the following sums of money, and so in proportion for any greater or less distance, that is to say—For every score of sheep or hogs, twelve and an half cents; for every score of cattle, horses or mules, fifteen cents, and so in proportion for a greater or less number; for every horse or mule and rider, or led horse or mule, seven and an half cents; for every chaise, chaise, gig or sulkey, drawn by one horse, fifteen cents, and for every additional horse, seven and a half cents; for every coach, coachee, chariot, phaeton or curricule drawn by two horses, thirty-seven and an half cents, and for every additional horse, seven and a half cents; for every cart, stage, waggon or other four wheeled carriage, not before mentioned, drawn by two horses, mules or oxen, twelve and an half cents, and for every additional horse, mule or ox, six cents; for

Toll.

every cart, waggon, sleigh or sled, drawn by one horse or mule, seven and an half cents; for every sleigh or sled drawn by two horses, mules or oxen, nine cents, and for every additional horse, mule or ox, four cents and a half: *Provided always, nevertheless,* that the president and directors of the said company may commute with any person or persons for the privilege of using the said road by the year, or for any less time.

VII. *And be it further enacted,* That if any person shall pass either of the said gates, on the said road, (excepting such persons as are travelling to and from public worship) without paying toll, upon pretence of being exempted therefrom, under the act before referred to, every person so offending, shall, for every such offence, forfeit and pay to the aforesaid company, ten dollars, to be recovered in an action of debt by the treasurer of the said company, in his own name, in any court having cognizance thereof: And if any person claiming an abatement of toll, shall give false information to the collector of tolls, of the distance he or she has travelled on said road, every person so offending, shall forfeit for each offence to the said company, five dollars, to be recovered in an action of debt by the treasurer, in his own name, in any court having cognizance thereof.

Penalty for passing gate without paying toll, &c.

Penalty for claiming an abatement of toll on false information.

VIII. *And be it further enacted,* That the company hereby incorporated, shall have and enjoy all the rights, privileges, powers and immunities which are given and granted in and by the aforesaid act, and shall be subject to all the conditions, provisions, restrictions and regulations contained in the same, saving and excepting where the same are contrary to the provisions of this act.

Privileges.

CHAP. CCXCIV.

AN ACT relative to the eastern branch of the Schoharie turnpike road.

Passed April 15, 1817.

WHEREAS it has been represented to this legislature, by the petition of the president, directors and company of the eastern branch of the Schoharie turnpike road, under their corporate seal, that it would be of public and individual benefit, to allow the president and directors, for the time being, to sell or dispose of the said road in whole or in sections to the number of their toll gates: Therefore,

Preamble.

BE it enacted by the people of the state of New-York, represented in senate and assembly, That it shall and may be lawful for the said president and directors to sell the turnpike road of said company, and under their corporate seal, to convey the same: *Provided,* four fifths in amount of the stockholders shall, in writing, signify their assent to such sale, and the said sale may be made in one entire parcel or in not more than three portions, each portion to contain ten miles of road and one gate.

Directors may sell turnpike road.

II. *And be it further enacted,* That the money which the said president and directors shall receive upon the sale of the said road, shall be applied by them to the payment of the debts due from said company, in equal proportions, according to the amount of their res-

And apply proceeds to pay debts.

pective debts, and the surplus, if any, shall be divided among the stockholders according to the number of their respective shares.

III. *And be it further enacted*, That the said purchasers may form a new corporation under such name and style as they may choose to assume; and if the said road is sold in sections as before mentioned, each section shall constitute one separate and independent company, and each and every company shall thereafter be deemed possessed and invested of said road, with all the estate, right and title which the said corporation now of right have of and in said road, and the toll houses, gates and appurtenances, and such purchasers may divide their stock in said new formed corporations in such manner as they may think proper.

Their power.

IV. *And be it further enacted*, That the said new corporations shall respectively have the same powers and privileges, and be liable to the same restrictions and penalties as are contained in the several grants to the aforesaid corporations.

CHAP. CCXCV.

AN ACT for the relief of Raymond Taylor.

Passed April 15, 1817.

Probable.

WHEREAS Raymond Taylor, of the county of Saratoga, by petition hath represented to the legislature, that at the time of the destruction by fire of the court house and goal of said county, he was keeper of said gaol, that during said fire his undivided attention was necessarily devoted to the relief of the prisoners and, that before his exertions for their preservation and security could be remitted, a very considerable part of the private property of the petitioner was destroyed by fire: Therefore, for the relief of the petitioner,

Supervisors shall examine into the equity of his claim.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly*, That it shall be the duty of the supervisors of the county of Saratoga, and they are hereby authorized and directed, at their annual meeting, in October next, to examine and determine as to the equity of the petitioner's claims, and the extent of his loss by said fire, and to cause such sum (if in their opinion he should be entitled to any) as they may deem a remuneration of his loss, not exceeding five hundred dollars, to be levied on the freeholders and inhabitants of said county, together with the additional sum of five cents on each dollar for collecting the same, which sum so allowed, shall be levied, collected and paid unto the said Raymond Taylor or his representatives, in the same manner as the other contingent expenses of said county are raised, levied, collected and paid over.

How much to be levied, &c.

FINIS.

L A W S
OF THE
STATE OF NEW-YORK,

PASSED THE FORTY-FIRST SESSION OF THE LEGISLATURE, BEGUN
AND HELD AT THE CITY OF ALBANY, THE TWENTY-
SEVENTH DAY OF JANUARY, 1818.

CHAP. I.

AN ACT to assign a certain mortgage therein mentioned.

Passed February 7, 1818.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be the duty of the new loan-officers of the county of Albany, or either of them, on Hermanus Peek, paying the principal and interest of a certain mortgage, executed by Eldert Ament, now deceased, to the new loan-officers of the county of Albany, dated on or about the sixteenth day of July, one thousand seven hundred and ninety-two, to assign and set over the said mortgage to the said Hermanus Peek, his heirs and assigns, to his and their own proper use and benefit; and that thereupon the said Hermanus Peek, his heirs and assigns, shall be possessed of all the right, title, interest, property, claim and demand, which the people of the state of New-York, and the said new loan-officers, or either of them, have in and to the same, and shall be entitled to have, use, and take all lawful ways and means in his own name for the collection of the money due, or to become due thereon, which the said people and the said new loan-officers, or either of them, now have, or may have, for the collection of the same: *Provided* the people of the state are in no event to be liable to repay the principal or interest of the said mortgage, or any part thereof, in case the same is not recovered of the mortgagor.

CHAP. II.

AN ACT respecting the collection of the tax of the year one thousand eight hundred and seventeen, for the town of Franklin, in the county of Delaware.

Passed February 7, 1818.

WHEREAS it is represented to the Legislature, that Ira Smith, late collector of taxes in the town of Franklin, died suddenly, leav-

ing uncollected, a portion of the tax of the year one thousand eight hundred and seventeen: Therefore,

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly,* That William Tayler, one of the sureties of the said collector, or such person as the justices of said town, or a majority of them, shall appoint, be, and he is hereby authorised, until the fifteenth day of March next, to receive and collect all such sum or sums, as may still remain due on account of the said tax, in the said town; and that the time for the collection of said tax, and of accounting with the county treasurer, be, and is hereby extended to the fifteenth day of March next; and also, that the said William Tayler, or such other person as aforesaid, be authorised to make returns on or before said day, of the arrearages of taxes on lands of non-residents; and that such returns, if sworn to, and certified as required by law, shall be as valid as if made by the collector, within the time prescribed by the act for the assessment and collection of taxes.

II. *And be it further enacted,* That the said William Tayler, or such person as the justices aforesaid shall appoint collector, shall and may demand and receive such sum or sums of money as may have been collected on account of the said tax, before the decease of the said Ira Smith, and to sue for and recover the same, in any court of competent jurisdiction, from any person or persons in possession of the same; which monies, when so received or recovered, shall be paid to the treasurer of the county of Delaware.

CHAP. III.

AN ACT to pardon David Linus, John Denny, Roswell T. Pratt, John Harris and James O'Brien.

Passed February 10, 1818.

David Linus,
John Denny,
Roswell T.
Pratt, James
O'Brien, par-
doned.

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly,* That David Linus, John Denny, otherwise called John Denny, junior, John Harris, James O'Brien and Roswell T. Pratt, respectively, be and they are hereby pardoned of the murder whereof they were respectively convicted, at a court of oyer and terminer, held in and for the county of Oneida, in the month of December last, and for which they were sentenced by the said court to be executed.

Harris & O'
Brien to be
confined in
the state pri-
son.

II. *And be it further enacted,* That instead of the punishment of death, the said John Harris and James O'Brien shall be, and are hereby directed to be confined in the state prison at Auburn, at hard labor, for and during the term of their natural lives; and that it shall be the duty of the sheriff of Oneida county, forthwith, to remove the said John Harris and James O'Brien, from the prison in the said county of Oneida, and them safely deliver to the keeper or keepers of the said state prison; and that it shall be the duty of the said keeper or keepers of the said state prison, to receive the said John Harris and James O'Brien into the said prison, and them to keep during their natural lives.

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III. *And be it further enacted*, That the pardon, granted in and by this act, to the said David Linus, shall be deemed to be granted, on condition that the said David Linus shall be imprisoned in the state prison in Auburn, at hard labor, for and during the term of fourteen years; and that it shall be the duty of the sheriff of the county of Oneida, forthwith, to remove the said David Linus from the prison in the said county of Oneida, and him safely deliver to the keeper or keepers of the said state prison, and that it shall be the duty of the said keeper or keepers, to receive the said David Linus into the state prison, and him to keep during the term of fourteen years.

And David
Linus for
years.

CHAP. IV.

AN ACT *respecting the settlement of the demands of this state against the United States, and for other purposes.*

Passed February 10, 1818.

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the person administering the government of this state is hereby authorised to appoint an agent, with full power to adjust and settle the demands of this state against the United States.

II. *And be it further enacted*, That it shall and may be lawful for the person administering the government of this state, to institute a negotiation with the government of the United States, for the sale of the fortifications and buildings belonging to this state, at the Narrows, on Staten Island, and the lands connected therewith, and to report the same to the legislature, at their next session, their for consideration.

III. *And be it further enacted*, That the said agent shall obey such instructions as he shall receive from time to time, from the person administering the government of this state, in relation to the powers given him by this act, and shall also perform such further services as shall be enjoined on him by the person administering the government as aforesaid, for the attainment of the objects contemplated by the next preceding section.

CHAP. V.

AN ACT *extending the powers of the officers and ministers of justice, in relation to the conveyance of prisoners.*

Passed February 10, 1818.

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly*, That from and after the passing of this act, it shall and may be lawful for any sheriff, coroner, constable, or other officer or minister of justice, of any of the counties of this state, having the charge and custody of any prisoner or prison-

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ers, by virtue of legal process, civil or criminal, to pass over, across and through any and all such parts of any other county or counties, as lie in any of the ordinary routes of travel, from the place where such prisoner or prisoners shall be arrested, to the place where the said sheriff, coroner, constable, or other officer or minister of justice, shall in and by such process be commanded to convey or deliver such prisoner or prisoners.

II. *And be it further enacted*, That such prisoner or prisoners, so held in custody, or the officer or officers so holding such prisoner or prisoners in custody, while passing over, across or through such part or parts of any such county or counties, shall not be liable to arrest on civil process; and that such conveyance as aforesaid shall, in no case, be deemed an escape.

CHAP. VI.

AN ACT for the relief of *Ann Warner*.

Passed February 10, 1818.

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That all the right, title and interest of the people of this state, in and to a certain lot or piece of ground, situate in the city of New-York, with all the buildings and improvements thereon, whereof Jeremiah Warner, late of said city, mason, died seized, be and the same is hereby wholly relinquished and released unto his widow Ann Warner, of said city, her heirs and assigns forever: *Provided*, That in case the said Jeremiah Warner was not the legal owner of the said lot and improvements thereon, that this act shall be considered, in all respects, null and void.

CHAP. VII.

AN ACT to appoint a *Treasurer of this state*.

Passed February 13, 1818.

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That Gerrit L. Dox be and he hereby is appointed Treasurer of this state, to remain in office until the twelfth day of February, in the year of our Lord one thousand eight hundred and nineteen.

CHAP. VIII.

AN ACT to amend an act, entitled "*an act appointing commissioners to lay out the road therein mentioned, within the counties of Oneida and Jefferson*," passed April 18, 1815.

Passed February 20, 1818.

WHEREAS, by the last section of said act, the commissioners, appointed therein, are to receive a compensation for their servi-

ces, of two dollars and fifty cents per day, for each day they shall necessarily spend in laying out and establishing said road, and all incidental expenses connected therewith, which, by said section, shall be levied and paid by the counties of Oneida and Jefferson, as the contingent charges of said counties : *And Whereas*, since the passing of said act, the county of Oswego has been erected, and the charges for the services of the said commissioners, which were to have been audited by the county of Oneida, ought to be audited and paid by the county of Oswego : Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That the supervisors of the county of Oswego and Jefferson, shall, at their annual meeting, audit and allow all such accounts, for daily services, rendered heretofore or hereafter by said commissioners, in laying out and attending to the duties under the act aforesaid, and which have not been heretofore allowed by the counties of Oneida and Jefferson; and all incidental expenses for surveying the same, shall be allowed and paid by said counties of Oswego and Jefferson, as the contingent charges in said counties are levied, collected and paid.

CHAP. IX.

AN ACT to authorise the board of supervisors of the county of Tioga to raise money by tax, for the erection of a fire-proof clerk's office, and for other purposes.

Passed February 20, 1818.

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for the board of supervisors of the county of Tioga, at their annual meeting in October next, or at any subsequent meeting, to cause to be raised a sum not exceeding one thousand five hundred dollars, over and above the ordinary expenses of collecting the same, which sum shall be levied and collected in the same manner as the other contingent charges of the county are raised, levied and collected, for the purpose of erecting a fire-proof clerk's office, for the use of the clerk of the said county, in which all the public records and papers, belonging to the said county, shall be kept, after the said building shall be completed.

1500 dls. may be raised by tax,

for building clerk's office.

II. *And be it further enacted*, That Joshua Ferris, Henry Miller and Abel Hart, be commissioners to superintend the erection of the same, and that the said commissioners may draw an order on the treasurer of the county, for the monies appropriated for that purpose, whenever they shall receive directions from the board of supervisors for erecting the said building.

Commissioners.

III. *And be it further enacted*, That the act, entitled "an act to divide the county of Tioga into jury districts, and for other purposes therein mentioned," be and the same is hereby revived and continued in force, until the first day of June, one thousand eight hundred and nineteen, and no longer, except that the sheriff of the

Act revived.

said county shall, from and after the passing of this act, calculate his mileage fees from the court-house in the town of Spencer.

Courts to be
held in Spen-
cer.

IV. *And be it further enacted*, That after the said first day of June, one thousand eight hundred and nineteen, the courts of common pleas and general sessions of the peace, in the said county of Tioga, shall be held at the court-house in the town of Spencer; any law to the contrary notwithstanding.

CHAP. X.

AN ACT of honor to the memory of General Richard Montgomery.

Passed February 27, 1818.

WHEREAS General Richard Montgomery, a citizen of this state, distinguished himself, by his valor and patriotism, among the earliest of the heroes of the revolution, and was slain while in the act of gallantly leading the attack on Quebec: *And whereas* the remains of the said General Richard Montgomery, are interred near the battle ground; undistinguished by any respectful mark: *And whereas* a monument has been erected to his memory, with others, in Saint Paul's church, in the city of New-York, by the congress of the United States: Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That the person administering the government of this state, for the time being, be and he is hereby authorised, to cause such measures to be taken, as he shall deem expedient, to obtain the consent of the government of Canada, to the removal of the remains of General Richard Montgomery, from Quebec, to the city of New-York, there to be deposited in Saint Paul's church, near the monument there erected to his memory; and that he shall cause such removal to be made, when such consent is obtained, at the expense of the state.

CHAP. XI.

AN ACT for the relief of Thomas Nelson and others.

Passed February 27, 1818.

WHEREAS Thomas Nelson and others, by their petition presented to the legislature, have set forth, that the colonial government, in the year one thousand six hundred and eighty-six, by patent, granted to Robert Saunders and Myndert Heermance, a certain tract of land, therein mentioned, situate in the town of Poughkeepsie, in Dutchess county, wherein a certain yearly quit rent was reserved to the crown; that the said colonial government, in the year one thousand seven hundred and nineteen, granted a patent of confirmation, of part of the lands contained in the first mentioned patent, for certain reasons in the said patent of confirmation mentioned, where was also reserved, a yearly quit rent to the crown; that the petitioners are the owners and proprietors of the lands in:

cluded in the said patent of confirmation, and have paid to the state the amount due on said patent for quit rents: and they therefore request that their said lands should be discharged from their proportion of quit rents due, or to grow due, on the original patent, to Saunders and Heermance, which request being deemed reasonable, Therefore,

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly,* That all the lands, included in a certain patent of confirmation, granted by the colonial government to Leonard Lewis, on the sixth day of July, one thousand seven hundred and nineteen, and which were a part of the tract of land granted by patent, on the twenty fourth day of October, in the year one thousand six hundred and eighty-six, to Robert Saunders and Myndert Heermance, be and the same are hereby exonerated and discharged from their legal proportion of the quit rents, due or to grow due on the said patent to Saunders and Heermance.

II. *And be it further enacted,* That the comptroller of this state, in settling the quit rents due or to grow due on the said patent, to Saunders and Heermance, shall make a deduction from the gross amount thereof, according to the proportion which the lands included in the said patent to Lewis, shall bear to the whole tract of land contained in the said patent to Saunders and Heermance.

CHAP. XII.

AN ACT to change the name of George Galloway, and for other purposes.

Passed February 27, 1818.

WHEREAS George Tinkee, otherwise called George Galloway, has by his petition represented, that, during his infancy, he was named after his reputed father, George Galloway; that he has, since that time, resided in the family of his uncle, Conrad Tinkee; has been called by the name of George Tinkee, and that he has taken conveyances of real estate, by that name, which he now possesses, and hath prayed that an act may be passed to change his name to George Tinkee, and to confirm the conveyances of real estate heretofore granted to him by that name: Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That the name of the said George Galloway shall be, and the same is hereby changed to the name of George Tinkee, by which name he shall be hereafter called and known, in all cases whatsoever; and that all conveyances of real estate, heretofore made to him by the name of George Tinkee, be and the same are hereby confirmed.

CHAP. XIII.

AN ACT directing the confinement of Diana Sellick in the state-prison for life.

Passed February 27, 1818.

WHEREAS Diana Sellick, at a court of oyer and terminer, held in and for the city and county of New-York, on the nineteenth day of December, in the year one thousand eight hundred and sixteen, was convicted of the murder of Hetty Johnson, and sentenced to be executed accordingly, the execution of which sentence was, by an act of the legislature of this state, passed the fifth day of April, in the year of our Lord one thousand eight hundred and seventeen, suspended until the third Friday in April next: *And whereas* it appears that the said Diana Sellick, on account of her bodily infirmities, is an unfit subject for capital punishment: Therefore,

BE it enacted by the people of the state of New-York, represented in senate and assembly, That instead of the punishment of death, the said Diana Sellick shall be and she is hereby directed to be confined in the state prison during the term of her natural life; and that it shall be the duty of the sheriff of the city and county of New-York, forthwith after the passing of this act, to remove the said Diana Sellick from the prison, in the city of New-York, and her safely deliver to the keeper or keepers of the said state-prison; and that it shall be the duty of the said keeper or keepers of the said state-prison, to receive the said Diana Sellick into the said state-prison, and her to keep during her natural life.

CHAP. XIV.

AN ACT to amend an act, entitled "*an act for the relief of debtors, with respect to the imprisonment of their persons,*" passed April 9, 1813.

Passed February 27, 1818.

I. BE it enacted by the people of the state of New-York, represented in senate and assembly, That whenever any debtor, imprisoned in the jail of any county in this state, shall present his petition to any court, out of which process may have issued, on which such debtor is imprisoned, praying to be discharged from his imprisonment, agreeable to the provisions of the fourth section of the aforesaid act, it shall be the duty of the court to whom such petition may be presented, to withhold the discharge of such debtor, until the said debtor shall have made an actual delivery of all the property mentioned in the inventory accompanying his said petition, or such part thereof as the said court shall direct, to the trustee or trustees to be appointed by the said court, or shall have given such security for the future delivery of the same, as the said court shall approve,

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II. *And be it further enacted*, That whenever any imprisoned debtor, who shall be confined on process issuing out of the supreme court, shall apply to any court, praying to be discharged from his imprisonment, under the provisions of the fifth section of the act hereby amended, the court to whom such application shall be made, shall observe the same rule, as to the delivery of the property mentioned in the inventory of the said debtor, as is prescribed in the preceding section of this act.

CHAP. XV.

AN ACT for dividing the town of Cambria, in the county of Niagara.

Passed February 27, 1818.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That from and after the first day of April next, all that part of the town of Cambria, lying west of a line beginning at the north west corner of section number thirty-two, township fourteen, in the eighth range of townships, thence running southerly, on the west line of said section thirty-two, in a direct line to the south bounds of said town of Cambria, be and hereby is erected into a separate town by the name of Lewiston; and the first town meeting, in said town of Lewiston, shall be held at the house of Sparrow Sage; and that the remainder of the said town of Cambria, shall be and remain a separate town by the name of Cambria, and the next town meeting shall be held at the house of John Gould.

II. *And be it further enacted*, That as soon as may be after the first day of May next, the supervisors and overseers of the poor, of the respective towns of Lewiston and Cambria, on notice being first given for that purpose, by the said supervisors, shall meet and divide the poor and money belonging to the said towns, according to the last tax list.

CHAP. XVI.

AN ACT concerning the New-York firemen Insurance company.

Passed February 27, 1818.

WHEREAS it has been represented to the legislature, by, and on behalf of the New-York Firemen Insurance company, that the capital stock of the said corporation, having been greatly reduced by losses, the directors of the said company, with the consent and approbation of nearly all the stockholders, expressed by them in writing, have come to the determination to cease making insurance upon the said capital stock, and to close and wind up the business and concerns in relation thereto: and did further consent, that a second subscription should be opened for a sum of five hundred

Preamble:

thousand dollars ; and that the stockholders thereof should, at the future elections to be held, alone choose directors of the company, which said directors should have the power of adjusting and settling the concerns of the original subscription, and dividing among the holders of said stock the balances that may remain, after all its engagements have been settled : *And whereas* a subscription of five hundred thousand dollars, divided into shares of twenty-five dollars each, hath been subscribed and paid or secured to be paid by stockholders of the said corporation and others, and the said subscribers to the said last mentioned capital stock, are desirous of continuing the business and operations of the said corporation, as stockholders, upon the said last mentioned capital stock, and of having the time of the duration of the said corporation prolonged and extended to the second day of March, which will be in the year of our Lord one thousand eight hundred and thirty-three ; and the president and directors of the said company, having prayed for an act of the Legislature, for the more effectual accomplishment of said purposes : Therefore,

I. Be it enacted by the people of the state of New York, represented in senate and assembly, That the business, concerns and operations of the said corporation, so far as relates to the original stock and stockholders, be closed and discontinued, and that the estate, funds and effects thereof, after the payment of all the debts, and the extinguishment of all the covenants, contracts and engagements of the said corporation, contracted, made and entered into, during its operations on the said original capital stock, shall be distributed among the said stockholders according to their rights therein; and that the said stockholders shall cease to be stockholders of the said corporation, in respect to its operations and concerns, since the first day of January, one thousand eight hundred and eighteen, unless, and except they have or shall become stockholders of the new capital stock of five hundred thousand dollars, so subscribed as aforesaid.

II. And be it further enacted, That the subscribers to, and the stockholders in the said new subscribed capital stock of five hundred thousand dollars, shall be and continue, and are hereby declared to be a body corporate and politic, by the name and style of "The New-York Firemen Insurance Company;" and that they, and their successors, by such name, shall and may, until the second day of March, in the year of our Lord one thousand eight hundred and thirty-three, have continued succession, and shall have power, and be capable of suing and being sued, pleading and being impleaded, defending and being defended, answering and being answered unto, in all courts and judicatures whatever ; and also of contracting and being contracted with, relative to the purposes, objects and business of the said corporation, and shall and may continue to have a common seal, and alter or destroy, and renew the same at pleasure.

III. And be it further enacted, That the said corporation shall have power and authority to make contracts of insurance with any person or persons, body politic or corporate, against loss or damage by fire, of or to any houses or buildings, or goods or chattles or personal estate, and also to make all kinds of marine insurance, and

Business of
the original
company to
be closed.

Capital stock

Style & duration.

Powers of the
company.

to loan money on bottomry respondentia or mortgage of real estate, and chattels real, and generally to do and perform all matters and things relating to the said objects, and shall and may have and exercise all the powers and authorities which are by law vested in the said corporation of the New-York firemen insurance company: *Provided*, That nothing in this act contained, shall, in any way, be construed to grant banking powers.

IV. *And be it further enacted*, That the present directors and president of the New-York firemen insurance company, shall be, and continue, under this act, until the second Monday of December next, and until others shall be duly chosen in their place, and enter upon the duties of their office.

V. *And be it further enacted*, That the directors of the said corporation, and their successors in office, shall have the charge, management, liquidation and settlement of the business and concerns of the original stockholders, and stock of the said corporation, relative thereto, and shall keep separate accounts of what may relate to such said business and affairs, and after payment of all debts and extinguishment of all covenants, contracts and engagements of the said corporation, on that account, out of the estate, funds and effects belonging thereto, shall distribute and pay the residue and overplus of such said estate, funds and effects, unto and among the said original stockholders and their respective lawful representatives, in proportion to their respective rights and intererests in the same.

VI. *And be it further enacted*, That the act, entitled "an act to incorporate the firemen of the city of New York, as an insurance company," passed the second day of March, one thousand eight hundred and ten, and the act, entitled "an act to amend the act, entitled "an act to incorporate the firemen of the city of New-York," passed the thirty-first day of March, one thousand eight hundred and fifteen, and all and singular the powers and provisions therein contained, shall be and hereby are continued in force, and made applicable, and shall apply to the said corporation; and the new stock and stockholders are hereby authorized and continued, and the property and concerns thereof, in like manner, to all intents and purposes, as though the same were hereby enacted in form, but that all such parts of the said act, as are inconsistent with this act, or any of the provisions herein contained, shall be, and the same are hereby repealed.

VII. *And be it further enacted*, That this act shall be deemed and taken to be a public act, and shall be liberally construed to effect the ends and purposes hereby intended and contemplated.

CHAP. XVII.

AN ACT to incorporate the New-York Typographical Society.

Passed February 27, 1818.

WHEREAS Adoniram Chandler, Mortimer Swain, Thomas Kennedy, Augustus P. Searing, William Grattan, James R. Rey.

Proviso.

Directors.

Their duties.

Parts of former acts continued in force.

Preamble.

nolds, and others, have associated themselves together, under the name and description of "The New-York Typographical Society," for the purpose of affording relief to indigent and distressed members of said association, their widows and orphans, and others, who may be found proper objects of their charity : and they therefore pray that the legislature will be pleased to incorporate them for the purposes aforesaid, under such limitations and restrictions as to the legislature may seem meet : Therefore,

style & power.

Review.

Review.

Officers.

I. *BE it enacted by the People of the state of New-York, represented in Senate and Assembly,* That such persons as now are, or shall from time to time hereafter, become members of said society, shall be and hereby are ordained, constituted and declared to be a body corporate and politic, in deed, fact and name, by the title and designation of "The New-York Typographical Society ;" and that by that name, they and their successors shall have succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever ; and that they and their successors may have a common seal, and change and alter it at their pleasure ; and that they and their successors, by the same name and title, shall be capable in law, to purchase, take, receive, hold and enjoy, to them and their successors, any real estate, in fee simple, or for a term of life or lives, or otherwise, and any goods, chattels or personal estate, for the purpose of enabling them the better to carry into effect the benevolent design of affording relief to the indigent and distressed of their members or society : *Provided,* That the yearly value of such real and personal estate, shall not exceed the sum of five thousand dollars ; and that they and their successors shall have full power and authority to give, grant, sell, lease, demise and dispose of the said real and personal estate, or any part thereof, at their will and pleasure ; and that they and their successors shall have power, from time to time, to make, constitute ordain and establish, repeal, alter and amend such by-laws and regulations, as they shall judge proper, for the admission, government and expulsion of members, for fixing the times and places of the meetings and elections of the officers of their society, for the management, application and disposition of the estate, property and funds of the said corporation, for regulating and determining the obligations and duties of the officers and members of the society, for imposing and collecting fines and penalties for the violation and breach of said by-laws, and generally to carry into effect all the before mentioned powers, and promote the charitable and laudable objects of the institution : *Provided always,* That such by-laws and regulations shall contain nothing in them repugnant to the constitution and laws of the United States, or of this state.

II. *And be it further enacted,* That the officers of this society shall be and consist of a president, vice president, treasurer and secretary, to be chosen annually, or at any other time or times, and with any additional officers for any different periods which the society may deem fit and necessary ; and Adoniram Chandler is

hereby appointed and shall be president ; Mortines Swain the vice-president ; Thomas Kennedy the treasurer, and Augustus P. Searling the secretary, of the said corporation or society, until the next annual or periodical meeting of the society, for the election or appointment of officers, or for such periods or terms as the by-laws of the society may provide and determine.

III. *And be it further enacted*, That this act shall be and hereby is declared to be a public act, and that the same shall be construed in all courts and places, benignly and favorably for every beneficial purpose therein contained. A public act.

IV. *And be it further enacted*, That this act shall be and remain in full force and virtue, for the term of fifteen years, from the passing thereof, and no longer, unless it be renewed and its duration prolonged by the legislature of this state, at any time hereafter : Duration.
Provided nevertheless, That in case the said society or corporation shall at any time, or in any manner, divert or appropriate its funds, or any part thereof, to any purpose or use, other than those intended or contemplated by this act, or shall at any time pass any law or regulation respecting the price or wages of labor or workmen, or any other articles, or relating to the business which the members thereof practise or follow for a livelihood, and shall thereof be convicted by due course of law, that thenceforth the said corporation shall cease and determine, and the estate thereof, whether real or personal, shall be forfeited by the society and vest in the people of this state : Proviso.
And provided further, That nothing herein contained shall be construed to prevent the legislature of this state, at any time, in their discretion within the period above limited, from altering or repealing this act : Proviso.
And further, That nothing herein contained shall be construed so as to grant to the said incorporation any banking privileges whatever.

CHAP. XVIII.

AN ACT for the preservation of the fish in certain natural ponds of water in South Salem, in Westchester county.

Passed February 27, 1818.

Be it enacted by the people of the state of New-York, represented in senate and assembly, That from and after the passing of this act, until the first day of April, in the year of our Lord one thousand eight hundred and twenty-three, it shall not be lawful for any person or persons whatsoever, to fish or angle in the three natural ponds, situate in South Salem, in the county of Westchester, called the north pond, south pond and long pond, or in any of the waters running into or issuing from said ponds within said town ; and every person offending herein, shall for every such offence, forfeit the sum of ten dollars, to be recovered by any person who will sue for the same, by an action of debt, with costs, before any court having cognizance thereof.

CHAP. XIX.

AN ACT to alter the time of holding town meetings in the town of Lysander, in the county of Onondaga.

Passed February 27, 1818.

Be it enacted by the people of the state of New-York, represented in senate and assembly, That the annual town meetings in the town of Lysander, in the county of Onondaga, shall, after the first Tuesday of April next, be held on the first Tuesday of March annually, and that all such town officers, whose duty it was to meet on the last Tuesday in March, shall meet on the last Tuesday in February, to do and transact such business as to their respective offices may appertain.

CHAP. XX.

AN ACT for the relief of Henry Mott.

Passed February 27, 1818.

WHEREAS Henry Mott, late a collector of taxes in the town of Hempstead, in Queens county, by his petition represents, that by reason of sickness he was unable to collect all the tax of said town, for the year one thousand eight hundred and seventeen, within the time limited by his warrant, and prays that a law may be passed authorising him to collect the same: Therefore,

Be it enacted by the people of the state of New-York, represented in senate and assembly, That the time limited in the said warrant for the said Henry Mott, to collect and pay over the said tax, be extended to the first day of July next: *Provided,* That nothing contained in this act shall be deemed to discharge the surety or sureties of the said Henry Mott, from any liability they may have incurred or shall incur by reason of any misfeasance or negligence or any act or conduct of him the said Henry Mott, as collector as aforesaid.

CHAP. XXI.

AN ACT to alter the time of holding town meetings in the towns of Middlebury, Pembroke and Orangeville, in the county of Genesee.

Passed February 27, 1818.

Be it enacted by the people of the state of New-York, represented in senate and assembly, That from and after the day preceding the first Tuesday in March next, the annual town meetings in the towns of Middlebury, Pembroke and Orangeville, in the county of Genesee, shall be held on the first Tuesday of March, in each and every year; and that all such town officers, whose duty it is to meet on the last Tuesday of March, shall meet on the last Tuesday of February in every year, to do and transact such business as to their respective offices may appertain.

CHAP. XXII.

AN ACT for the relief of George Throop, Dean Edson and Delevan Delance.

Passed February 27, 1818.

WHEREAS the act, entitled " an act to alter and improve the road in the towns of Willsborough and Chesterfield, in the county of Essex," passed June 18, 1812, appointing George Throop, Dean Edson and Delevan Delance, commissioners for improving said road, makes no provision for compensation for their services: Therefore,

Be it enacted by the people of the state of New-York, represented in senate and assembly, That on a final settlement of the accounts of said commissioners, the comptroller is authorised and required to make such allowance to said commissioners, for their services and expenses, as he shall deem just and reasonable; which allowance shall be deducted from the monies in the hands of said commissioners, not appropriated for the improvement of said road.

CHAP. XXIII.

AN ACT for incorporating the Chittenengo Canal Company.

Passed March 8, 1818.

WHEREAS John B. Yates, William K. Fuller, Elisha Carey, John Knowles and Peter Smith, have formed an association for making a Canal from the Chittenengo Village to the Great Western Canal, and have prayed to be incorporated for the purpose: Therefore,

1. *Be it enacted by the people of the state of New-York, represented in senate and assembly,* That the said John B. Yates, William K. Fuller, Elisha Carey, John Knowles, Peter Smith and their present and future associates, be and they are hereby constituted a body corporate and politic, by the name of " the president and directors of the Chittenengo canal company," and by that name shall have perpetual succession, sue and be sued, defend and be defended in all actions and matters whatsoever; shall have a common seal, and may alter the same at pleasure, and may take, hold and convey any real or personal estate, provided such real estate shall not at the time of acquiring the same, exceed six thousand dollars in value over and above the real estate necessary to effect the objects of this incorporation: *And further,* the said president and directors shall and may from time to time make and pass such by-laws, ordinances and resolutions, for regulating the concerns of the said corporation, the conduct and duty of their members, officers, agents and servants, the compensation to be granted to them respectively, the manner of making transfers of stock, the time and place of convening and holding the meetings of said president and directors, and all other matters relating to the said corporation, as to them shall seem expedient, with power to alter or repeal the same at pleasure:

Style & print.

Provido. *Provided*, the same shall not be repugnant to the constitution or laws of this state.

Stocks. *II. And be it further enacted*, That the stock of the said corporation shall not exceed thirty thousand dollars, to be divided into shares of thirty dollars each, and which shares shall be deemed personal property : that the said president and directors shall form and issue the necessary scrip or certificate of such shares to the stockholders who shall subscribe to the said corporation, and shall have power to prescribe the manner, time and proportions in which such stock shall be paid, allowing at least thirty days between each instalment so to be paid ; and shall also have the power to declare the stock of such persons as shall neglect to pay for the same, and all previous payments thereon, to be forfeited to the use of the said corporation, according to the requisitions of the said president and directors ; or the said president and directors, in their election, may sue for and recover from such delinquent subscribers or stockholders the amount of such shares or instalments due, in an action of assumpsit, in any court having cognizance thereof, whether any monies shall have been paid or deposited by such delinquent subscriber on such stock or not.

Directors. *III. And be it further enacted*, That the management of the concerns of the said corporation shall be entrusted to five directors, who shall be stockholders, and three of whom shall reside in the town in which the said canal hereby authorised to be made is situate : and the said directors shall continue in office one year from the first Tuesday of June next, and there shall be an election for five directors on the last Tuesday in May one thousand eight hundred and nineteen, and on the last Tuesday in May in each and every year thereafter. at such place in the village of Chittenengo, and at such hour, as the said president and directors may by any by-law for the purpose prescribe and direct, public notice thereof being given in the manner to be directed by the said president and directors, for at least one week before any such election ; and such election shall be by ballot by the stockholders present, either in person or by proxy, each share being entitled to one vote, but no transfer of stock shall be valid unless previously entered on the books of the said corporation : and the said president and directors shall, by their by-laws, regulate the manner of conducting the said elections, and in case of a vacancy in the office of director, before an annual election, the remaining directors shall fill such vacancy until such next annual election ; but the corporation hereby created shall not cease by reason of not holding the said annual election on the day directed by this act, but it shall be lawful for the president and directors by their by-laws to provide for an election at any other day in case the stockholders shall neglect to make an election on the day appointed by this act : *And further*, the said directors shall at their first meeting after their election, appoint one of their body to be president, to hold his office during the pleasure of the said directors, and they shall also choose a secretary and treasurer, to hold their office in like manner, and three directors shall be a quorum to transact business, and dividends shall be declared by the said board of directors at least once in every year, and notice

How chosen.

thereof shall be given as the said board shall direct : and the first president of the said corporation shall be Peter Smith, and the first directors shall be John B. Yates, William K. Fuller, John Knowles and Elisha Carey, and they shall continue in office until the first Tuesday in June, which will be in the year one thousand eight hundred and nineteen.

IV. *And be it further enacted*, That it shall be lawful for the said president and directors, after causing the track of the said canal to be designated, to enter upon and take possession of such quantity of improved or unimproved land, not exceeding six rods in breadth, as shall be necessary for the said canal and works thereunto appertaining, and for the convenient operation of the said canal, and for the navigation thereof, the said president and directors paying to the owners for the lands aforesaid such value and damages as shall be agreed upon, or in case of disagreement, as shall be assessed by two justices of the peace and by the oaths of six reputable and disinterested freeholders, who shall be summoned by the sheriff of the county of Madison, by virtue of a warrant to be issued by the said justices for that purpose ; and in case of the infancy, coverture, insanity or absence from this state of any such owners, it shall be lawful for the said president and directors to exercise the rights and powers hereby granted to them with regard to the lands as aforesaid, without first paying for the same : but such value or damages shall be assessed in manner aforesaid, and the said president and directors shall pay the same whenever the same shall thereafter be lawfully demanded : *Provided always*, that the powers and privileges hereby granted to the said corporation, shall not be so construed as to impair or prejudice any vested rights without liability, on the part of the said corporation, to compensate the possessors of such rights for any damages which they may sustain by means of the operations of the said corporation.

To take possession of lands.

Provided.

V. *And be it further enacted*, That as soon as the said canal shall be completed, and the requisite locks constructed, it shall and may be lawful for the said president and directors to demand and receive from every person using the same, or any part thereof, for every boat twenty-five cents, and for every ton of articles, loading or cargo in such boat, ten cents ; and it shall be lawful for them to appoint such and so many toll gatherers as they think proper ; and if any person shall use the said canal or any part thereof without paying toll therefor as aforesaid, such person shall forfeit and pay a penalty of five dollars, besides costs, to be recovered in any court having cognizance thereof, in an action of debt, by and in the name of the said president and directors ; besides such person shall be liable in an action of assumpsit for such toll to the said president and directors.

Rates of toll.

VI. *And be it further enacted*, That it shall not be lawful for the president and directors, or for any person or persons, to use or appropriate the water of the said canal for mills or any other hydraulic works.

Water not to be used for mills, &c.

VII. *And be it further enacted*, That it shall be lawful for the said president and directors of the corporation hereby created to ap-

Roads may be used in certain cases

propriate any public highway or road to the use of the said corporation upon the line of the said canal.

Penalties for
injuring the
works.

VIII. *And be it further enacted*, That if any person shall wilfully break, throw down, deface, mutilate or otherwise injure or destroy any part of the said canal, locks or works, or buildings thereto appertaining, such person shall be liable to pay treble damages to the said president and directors, with treble costs; and if such treble damages shall not exceed in amount the sum of ten dollars, then the sum of ten dollars with single costs to be recovered in an action of trespass, by the said president and directors, in any court having cognizance thereof.

For detain-
ing boats.

IX. *And be it further enacted*, That if any toll gatherer shall unreasonably delay or hinder any boat in passing on or using the said canal, when the same canal shall be in order, or shall demand and receive more toll than is by this act established, he shall for every such offence forfeit to the party aggrieved, ten dollars, to be recovered by action of debt, with costs, before any court having cognizance thereof; but it shall be lawful for any of the toll gatherers to stop or detain any boat or boats on the said canal, until the toll shall be paid.

Return to be
made to the
comptroller.

X. *And be it further enacted*, That the said president and directors shall, within six months after the said canal shall have been completed, lodge in the comptroller's office of this state an account of the expense thereof, and the corporation shall annually exhibit to the comptroller a true account of the income or dividend arising from the said toll, with the annual disbursements on the said canal.

Company
may be dis-
solved.

XI. *And be it further enacted*, That the legislature may dissolve the said corporation when the income arising from the said toll shall have fully compensated the said corporation for all monies they may have expended in making, repairing and taking care of the said canal, together with an interest of fourteen per cent. per annum, and thereupon the right, interest and property of the said canal shall be vested in the people of this state.

Canal to be
made in 5
years.

XII. *And be it further enacted*, That unless the said president and directors shall complete the said canal within five years after the middle section of the great western canal is finished, the powers, rights and privileges hereby granted shall cease, and the said corporation shall be dissolved.

Not to inter-
fere with the
great canal.

XIII. *And be it further enacted*, That the said canal shall not be so constructed as to prevent the commissioners of the great western canal from taking and using the waters of the Chittenengo creek aforesaid, or any part thereof, to supply the said great canal: *And further*, that the said commissioners of the great canal shall have liberty at any time, when they may deem it necessary for the use of said great canal, to conduct the waters of said creek in, along and through the canal and locks to be erected by virtue of this act into the said great canal.

A bridge to
be built
where it
crosses the
Seneca turn-
pike.

XIV. *And be it further enacted*, That the president and directors shall construct a good and sufficient bridge, of the width of twenty-two feet, with a substantial railing, upon each side of the height of four feet, across the said canal at the place where the same shall

intersect the Seneca turnpike road, and shall at all times keep the bridge and railing in good repair.

XV. *And be it further enacted*, That the said president and directors shall, at their own expense, construct and at all times keep in repair, at the place where they first take the waters of said creek for the use of their canal, good and sufficient means of preventing any such quantity of water from entering the same as might in any way prove injurious to the great western canal, and they shall excavate and constantly keep in repair at the place where their canal connects with the great western canal, a basin of such dimensions as to admit any boats used in either of the said canals to turn round conveniently without encroaching at all on the great western canal.

Outlet from the creek to be kept in repair.

Certificate.

XVI *And be it further enacted*, That before it shall be lawful for the said president and directors to demand and receive any toll as aforesaid, they shall obtain a certificate from the canal commissioners that all the requisitions except those relating to repairs of the next preceding section of this act, are complied with.

This is a public act.

XVII *And be it further enacted*. That this act shall be deemed a public act, and shall be favorably and benignly construed for all the purposes thereby intended.

CHAP. XXIV.

AN ACT to divide the town of Nunda, in the county of Allegany.

Passed March 6, 1818.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly*, That from and after the first Monday in April next. all that part of the town of Nunda, lying west of the transit line, and containing townships number six and seven in the first and second ranges of the Holland purchase, be and the same is hereby erected into a separate town by the name of Pike, and the first town meeting shall be held at the house of Benjamin Chamberlain, in said town, and all the remaining part of said town shall be and remain a separate town, by the name of Nunda, and the first town meeting shall be held at the house of John Potter.

II. *And be it further enacted*, That as soon as may be after the first town meeting, the supervisors and overseers for said towns of Nunda and Pike, shall meet together, due notice being first given by the said supervisors for that purpose, and divide the money and poor belonging to the said town of Nunda, previous to its division, in a just and equitable manner, and forever after each town shall respectively maintain and support their own poor.

CHAP. XXV.

AN ACT to amend an act, entitled "an act to divide the town of Bronnville, in the county of Jefferson".

Passed March 6, 1818.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly*, That from and after the passing of

Boundaries.

this act, all that part of the town of Brownville, in the county of Jefferson, comprised within the following boundaries, viz: beginning in the centre of French or Dumas Creek, where the west line of Penet's square intersects it, thence south along the west line of said Penet's square, to the south-west corner thereof; thence along the north-easterly outline of lot number four hundred and fifty-five, in great lot number four of Macomb's purchase, to the easternmost corner thereof; thence along the south-easterly outline of said lot number four hundred and fifty-five, to the north-easterly outline of lot number three hundred and thirty-nine; thence along the same, to the easternmost corner thereof; thence south-westerly, along the south-easterly line of said lot number three hundred and thirty-nine, and of lots number three hundred and forty, three hundred and fifty-eight, three hundred and fifty-nine, four hundred and forty-seven and four hundred and forty-six, (all in said great lot number four) to the southernmost corner of said lot number four hundred and forty-six; thence north-westerly, along the south-westerly outline thereof, to an arm of Chaumont bay; thence through the waters of said bay, to the waters of lake Ontario; thence through the waters of said lake, to the river St. Lawrence; thence down the same, to the mouth of French or Dumas Creek aforesaid; thence up through the center of the same, to the place of beginning; including within said line Cherry island, the Peninsula, Fox island, Grenadier island, Carlton island, and such other small islands as are now known to be within the limits of the United States, between Carlton island and French Creek aforesaid, shall be, and the same is hereby erected into a separate town by the name of Lyme, and that the first town meeting of the said town of Lyme, shall be held at the house of Luther Britton, in said town, on the first Tuesday in March next.

Lyme.

Brownville.

II. *And be it further enacted*, That the remaining part of the town of Brownville shall be and remain a separate town by the name of Brownville, and that the next town meeting shall be held at the place to which the last meeting of the town of Brownville was adjourned.

Poor and
money to be
divided,

III. *And be it further enacted*, That as soon as may be after the third Tuesday in March next, the supervisors and overseers of the poor of the towns of Brownville and Lyme aforesaid, shall, by notice to be given by said supervisors for that purpose, meet together and apportion the poor maintained by the town of Brownville previous to the division thereof, and also to divide all money which is or may be in the hands of the overseers of the poor of the town of Brownville, and which was assessed before said division of said town, in an equitable manner; and if the supervisors and overseers of the poor cannot agree upon such equitable division, then the supervisors of the county, at their next annual meeting, shall apportion the poor and money belonging to said town of Brownville, between the said towns, and each town thereafter shall support its own poor.

And high
way monies

IV. *And be it further enacted*, That as soon as may be after the third Tuesday in March next, the supervisors and commissioners of highways, of the towns of Brownville and Lyme aforesaid, shall, by notice to be given by said supervisors for that purpose,

meet together and divide in an equitable manner, all the money which is or may be in the hands of the commissioners of highways of the town of Brownville, or which belongs to their department, and was assessed before the division of said town, and which shall remain unexpended for labor actually done; and if the said supervisors and commissioners of highways cannot agree upon such equitable division, then the supervisors of their county, at their next annual meeting, shall apportion said money, belonging to said town of Brownville, agreeably to the respective tax lists, or valuations of said towns.

V. *And be it further enacted*, That so much of the act, entitled "an act to divide the town of Brownville, in the county of Jefferson," as does not agree with the provisions of this act, be, and the same is hereby repealed.

CHAP. XXVI.

AN ACT to amend an act, entitled "an act to amend an act, entitled "an act for giving relief in cases of insolvency".

Passed March 6, 1818.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly*, That any imprisoned debtor, who shall hereafter, in pursuance of the provisions of the second section of the act hereby amended, deliver to the chancellor, judge or commissioner, therein named, an account of the debts due and owing by him, shall include in such account the debts of mortgages or judgment creditors; but that no person having any mortgage, judgment or other security of or upon any lands, tenements, hereditaments, goods or chattels, or any chose in action whatsoever, either to such person or to any other in trust for such person, for securing the payment of any sum of money from such imprisoned debtor, shall not, for such sum, request an assignment of such debtor's estate, or consent to the discharge of such debtor as aforesaid, unless such person, upon signing such request or consent, shall add to his name, subscribed to the same, a declaration in writing, that he doth relinquish and give up to the assignee or assignees, who may have been, or are to be appointed by virtue of the act hereby amended, such judgment, mortgage or other security, for the benefit of all the creditors of the said imprisoned debtor; and any such mortgage, judgment and security so relinquished, and the lands, tenements, hereditaments, goods and chattels, and choses in action affected thereby, shall be transferred to and vest in the assignee or assignees of such debtor's estate, for the uses and purposes aforesaid.

II. *And be it further enacted*, That every creditor of any imprisoned debtor, who shall hereafter apply for relief, in pursuance of the provisions of the act hereby amended, shall make such application in the county where such debtor shall be imprisoned, and the chancellor or other officer, to whom such application is made, shall not make any order for publication, as by the said act is directed,

until he shall have satisfactory evidence, by the oath of such creditor, that such debtor is imprisoned in the county where such application is made.

III. *And be it further enacted*, That every creditor who shall apply for relief by virtue of the act hereby amended, shall at the time of making such application, take and subscribe an oath, that the debtor, in reference to whom such application is made, has not been imprisoned by the act or procurement of the said creditor, or of any other person with the knowledge of the creditor, with the intent to apply for his discharge under or by virtue of the said act; and that every creditor who shall request an assignment to be made of the estate of such debtor, by virtue of the act hereby amended, shall, in addition to the affidavit required by the said act, specify the nature of his or her demand, whether arising on obligation, note, account or otherwise, with the general ground of such indebtedness.

IV. *And be it further enacted*, That if any person, in any oath or affidavit to be taken or made under or in pursuance of this act, or of the act hereby amended, shall wilfully and knowingly affirm or swear falsely, the person so offending shall be liable to the same pains and penalties, as those who are convicted of wilful and corrupt perjury.

V. *And be it further enacted*, That the fifth section of the act hereby amended, be and the same is hereby repealed.

CHAP. XXVII.

AN ACT for the relief of Eliza Hatfield.

Passed March 6, 1818.

WHEREAS it is represented to this legislature, that John Johnston, late of the fourth ward in the city of New-York, innkeeper, died intestate, and had expressed and declared before his death his wish and intention that his wife, Eliza Johnston, should inherit his property: Therefore,

Be it enacted by the people of the state of New-York, represented in senate and assembly, That all the right, title and interest of the people of this state, of, in and to the real estate whereof the late John Johnston, of the fourth ward in the city of New-York, innkeeper, was lawfully seized and possessed at the time of his death, be and the same hereby is vested in Eliza Hatfield, late Eliza Johnston, his wife, and her heirs and assigns forever: *Provided*, That in case the said John Johnston was not the legal owner of the said lot and improvements thereon, that this act shall be considered in all respects null and void; and if the said Johnston left debts unsatisfied, the same shall be satisfied out of the property.

CHAP. XXVIII.

AN ACT to divide the town of Northeast, in the county of Dutchess.

Passed March 6, 1818.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly.* That from and after the last day in March, in the year one thousand eight hundred and eighteen, all that part of the town of Northeast, in the county of Dutchess, lying west of a certain line beginning on the division line between the counties of Columbia and Dutchess, where the eastern bounds of the farm of Josiah Hedges intersects the same, thence in a straight line to the northeast corner of the dwelling-house of Jacob Best, junior, which house shall be considered to be within the western town, said line running from thence a course due south until it intersects the division line between the towns of Northeast and Stanford, shall be and hereby is erected into a town by the name of Milan, and that the first town meeting shall be held at the house of Stephen Thorn, in said town, on the first Tuesday of April next.

II. *And be it further enacted,* That all the remaining part of the town of Northeast, shall be and remain a separate town by the name of Northeast, and that the next town meeting shall be held at the house of Isaac Reynolds, in said town.

III. *And be it further enacted,* That as soon as may be after the first Tuesday in April, in the year one thousand eight hundred and eighteen, the supervisors and overseers of the poor of the towns of Milan and Northeast, notice being first given for that purpose, shall meet together and divide the money and poor belonging to the town of Northeast, previous to the division, agreeable to the last tax list, and that each of said towns shall forever thereafter respectively maintain their own poor.

CHAP. XXIX.

AN ACT to amend the act, entitled "an act to establish a turnpike road from the village of Athens to intersect the Susquehannah turnpike road in the village of Madison, and for other purposes."

Passed March 6, 1818.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly,* That the person administering the government of this state, shall be and he is hereby authorised, to appoint three commissioners to make such alterations in the road laid out, pursuant to the act hereby amended, as to them shall appear necessary and proper for the purpose of avoiding the hills in the route of the said road: *Provided,* that the said commissioners shall not alter the present route of the said road where it intersects the Susquehannah turnpike road in the village of Madison.

II. *And be it further enacted,* That from and after the passing of

this act, it shall be lawful for the stockholders of the said road to elect five instead of nine directors, and that any three of the said directors shall be a quorum and capable of transacting the business of the said corporation: and after every such election the said directors elected shall immediately after having met proceed to elect one of their number for president.

III. *And be it further enacted*, That it shall be lawful for the company incorporated by the act hereby amended, to remove the gate from the place where it now stands, and erect the same at any place between the house of John Conise and the bridge, near the house of Daniel Duncan, and at the said gate to exact and receive the same rates of toll as by law the said company is authorised to receive where the said gate now stands.

IV. *And be it further enacted*, That it shall not be lawful for the said president and directors to make the contemplated alterations until they shall have agreed with the owner or owners of the lands for the purchase of so much thereof as shall be necessary for the purposes aforesaid, or until the damages shall have been appraised and paid, and the altered part inspected and approved pursuant to the directions of the act, entitled "an act relative to turnpike companies," passed March 13, 1807.

CHAP. XXX.

AN ACT to divide the town of Sheldon, in the county of Genesee, into three towns.

Passed March 6, 1818.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly*, That from and after the day preceding the first Tuesday in April next, all that part of the town of Sheldon lying south of the number nine, be and the same is hereby erected into a separate town by the name of China, and that the first town meeting be held on the first Tuesday in April next, at the house of Moses Lynch, and that all that part of the town of Sheldon comprised in the tens be and the same is hereby erected into a separate town by the name of Bennington, and that the first town meeting be held at the house of Joseph Farnum.

II. *And be it further enacted*, That all the remaining part of the said town of Sheldon shall be and remain a separate town by the name of Sheldon, and that the first town meeting in the said town of Sheldon shall be held on the first Tuesday in April next, at the school house near Fitch Chipman's.

III. *And be it further enacted*, That as soon as may be after the first Tuesday in April next, the supervisors and overseers of the poor of the towns of Sheldon, China and Bennington, aforesaid, shall, by notice to be given by the said supervisors for that purpose, meet together and apportion the poor maintained by said town previous to the division, and also to divide all money which may be in the hands of the overseers of the poor, in an equitable manner; and if the supervisors and overseers of the poor cannot agree on such

division, then the supervisors of the county, at their next annual meeting, shall apportion the poor and money belonging to said town of Sheldon between the said towns, and that each town shall forever thereafter maintain its own poor.

CHAP. XXXI.

AN ACT to divide the town of Gaines, in the county of Genesee.

Passed March 6 1818.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly,* That from and after the passing of this act, all that part of the town of Gaines, beginning on the east line of said town between lots number three and four in the fifteenth township, in the first range running west on said line, to the new line of the town of Ridgeway, be and the same is hereby erected into a separate town, to be called by the name of Barre, and the next town meeting shall be holden at Abraham Matteson's on the first Tuesday of April next.

II. *And be it further enacted,* That from and after the passing of this act, the remaining part of the town of Gaines shall be and remain a separate town by the name of Gaines, and the next town meeting shall be held at Oliver Booth's.

III. *And be it further enacted,* That as soon as may be after the first Tuesday of April next, the supervisors and overseers of the poor of the towns of Gaines and Barre, aforesaid, by notice to be given by the said supervisors for that purpose, meet together and apportion the poor maintained by said town previous to said division, and also divide all poor money which may be in the hands of the overseers of the poor, in an equitable manner; and if the said supervisors and overseers cannot agree on such division, then the supervisors of the county, at their next annual meeting, shall apportion the poor and money belonging to said towns of Gaines and Barre, and that each town shall forever thereafter maintain its own poor.

CHAP. XXXII.

AN ACT to divide the town of Ridgeway, in the county of Genesee.

Passed March 6, 1818.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly,* That from and after the passing of this act, all that part of the town of Ridgeway, in the county of Genesee, lying south of the township line, between the fourteenth and fifteenth townships, in the third and fourth ranges of towns, be, and is hereby erected into a separate town, to be called by the name of Shelby, and the first town meeting shall be holden on the first Tuesday in April next, at or near the mills of Andrew A. Ellicot.

II. *And be it further enacted,* That from and after the passing

of this act, the remaining part of the town of Ridgeway, shall be and remain a separate town by the name of Ridgeway, and the next town meeting shall be holden at the dwelling house of Otis Turner, in said town of Ridgeway.

III. *And be it further enacted*, That from and after the passing of this act, that one tier of quarter section lots, from the west side of the town of Gaines, extending southward to the new town of Barre, be, and the same is hereby annexed to the town hereby erected into the town of Ridgeway.

IV. *And be it further enacted*, That as soon as may be, after the first Tuesday in April next, the supervisors and overseers of the poor, of the towns of Ridgeway and Shelby aforesaid, by notice to be given by the said supervisors for that purpose, meet together and apportion the poor maintained by said town previous to said division, and also divide all the poor money which may be in the hands of the overseers of the poor, in an equitable manner; and if the said supervisors and overseers cannot agree on such division, then the supervisors of the county, at their next annual meeting, shall apportion the poor and money belonging to said towns of Ridgeway and Shelby, and that each town shall forever thereafter maintain its own poor.

CHAP. XXXIII.

AN ACT to divide the town of Benton, in the county of Ontario.

Passed March 6, 1818.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly*, That from and after the first Monday in April next, all that part of the town of Benton, lying south of the north line of township number seven, beginning at the northeast corner of the town of Jerusalem, on the line between township number seven and eight, and running eastwardly, the direction of the said line to the east line of the said town of Benton, be and the same is hereby erected into a separate town by the name of Milo, and the first town meeting shall be held at the dwelling-house of Isaac Nichols, junior, in said town.

II. *And be it further enacted*, That all the remaining part of the said town of Benton, shall be and remain a separate town by the name of Benton, and the first town meeting shall be held at the dwelling-house of Freeman Spencer, in said town.

III. *And be it further enacted*, That as soon as may be, after the first Tuesday of April next, the supervisors and overseers of the poor of the aforesaid towns, shall, by previous notice to be given for that purpose by the supervisors thereof, meet together and apportion the poor maintained by said town of Benton, and likewise the poor money belonging to the same, previous to the division thereof, agreeable to the last tax list, and that each town shall forever thereafter maintain its own poor,

CHAP. XXXIV.

AN ACT *authorising the mayor, aldermen and commonalty of the city of Schenectady, to dispose of part of their common wood lands.*

Passed March 6, 1813.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly, That it shall and may be lawful for the mayor, aldermen and commonalty of the city of Schenectady, in common council convened, and they are hereby authorised from time to time, by good and sufficient deeds and conveyances in the law, to grant, bargain and convey to such person or persons, their heirs and assigns, and to such bodies corporate or politic, their successors and assigns, in fee simple, absolute or subject to the payment of any annual rent or rents, any such parts or parcels of their common wood lands belonging to the said city, as the said mayor, aldermen and commonalty may judge most conducive to the interests of the said city: Provided, The said wood lands so to be conveyed at any time, shall not in the aggregate exceed four thousand four hundred and seventy-five acres: Provided also, That the land hereby authorised to be sold and conveyed, shall be sold at public vendue, giving six weeks notice of the time and place of such sale, in the paper printed in the county of Schenectady, and not otherwise.*

II. *And be it further enacted, That all conveyances heretofore executed of their said wood lands, in pursuance of any resolution of the said mayor, aldermen and commonalty, in common council convened, be, and the same are hereby confirmed; any law to the contrary thereof notwithstanding.*

CHAP. XXXV.

AN ACT *for the relief of Ebenezer Douglass.*

Passed March 6, 1813.

WHEREAS Ebenezer Douglass was appointed by the surveyor general, pursuant to the act, entitled "an act to open and improve certain roads therein mentioned," passed March 30, 1809, a superintendent for opening and improving a road from the outlet of Lake George, at or near the upper falls in the town of Ticonderoga, to the court house in Elizabethtown, in the county of Essex, and the sum of three thousand dollars was appropriated for the improvement of the said road, being the whole sum appropriated for that purpose: *And whereas* the said Ebenezer Douglass has expended the whole of the said sum of three thousand dollars, without reserving any part thereof to compensate him for his services: *And whereas* the said act allowed to the said Ebenezer Douglass for his services the sum of one dollar and fifty cents per day: Therefore,

Be it enacted by the people of the state of New York, represented in senate and assembly, That the supervisors of the county of Es-

sex, at their next annual meeting, cause to be assessed, levied and collected on the freeholders and inhabitants of the towns of Ticonderoga, Crown Point, Moriah and Elizabethtown, in the said county of Essex, the sum of one hundred and twenty one dollars and fifty cents, together with the costs of collection, in the same manner as the other contingent charges of the said towns are by law directed to be levied and collected, to be apportioned according to the taxable property in the said several towns; and that the collectors of the said towns, pay the said sum of money into the treasury of the county of Essex, to be paid to the said Ebenezer Douglass, for his services in opening and improving said road.

CHAP. XXXVI.

AN ACT further to amend an act, entitled "*an act for establishing a turnpike road from opposite the village of Troy to the city of Schenectady.*"

Passed March 6, 1818.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly,* That it shall and may be lawful for the president, directors and company, of the Troy and Schenectady turnpike, to remove, place and keep the eastern gate, now erected upon the said road, to any place which they may deem most expedient: *Provided,* that the said gate shall not be placed nearer to the eastern extremity of said road than one and an half miles, nor further west than within a half mile east of the dwelling-house of Ebenezer Hill, on said road.

II. *And be it further enacted,* That it shall and may be lawful for the said president, directors and company, to exact and receive at each of the gates on said road, of and from all and every person and persons using the said road, for every waggon drawn by one horse, a toll not exceeding ten cents; and for every sled or sleigh, drawn by one horse, a toll not exceeding four cents; and for every wheel carriage, sled or sleigh, loaded with hay, turf, fire wood or coals, and for waggons or other carriages, belonging to or in the service of the United States, for each respectively, the same tolls as they are now authorised to receive for waggons or other carriages drawn by a like number of horses or oxen.

III. *And be it further enacted,* That if any person or persons shall, with his or their team, carriage or horse, turn out of the said road and pass either of the said gates, to avoid the payment of toll, such person or persons shall forfeit and pay a fine not exceeding five dollars, to be recovered by the said president, directors and company, for their use, by an action of debt, before any justice of the peace of the county where the offence shall be committed, or where the offender may be found.

CHAP. XXXVII.

AN ACT for the relief of the purchasers of certain lands.

Passed March 6, 1818.

Be it enacted by the people of the state of New-York, represented in senate and assembly, That the purchasers of lots from the people of this state, in the village of Black Rock, shall not forfeit the same for not having erected buildings thereon, in pursuance of their stipulations: *Provided,* they shall erect such buildings thereon by the first day of November next.

CHAP. XXXVIII.

AN ACT concerning the Commissioners for loaning money.

Passed March 12, 1818.

Be it enacted by the people of the state of New-York, represented in senate and assembly, That it shall be the duty of the commissioners for loaning money, appointed pursuant to the act, entitled "an act authorising a loan of monies to the citizens of this state," passed the eleventh day of April, one thousand eight hundred and eight, to exhibit to the boards of supervisors of their respective counties, at the next annual meeting of the supervisors, and annually thereafter, all the mortgages taken by them for loans under the said act, together with their books of account, minutes and vouchers, in order that the said boards of supervisors may ascertain whether the monies committed to the charge of the said commissioners respectively, have been loaned and continue to be kept on loan according to the provisions of said act; and it shall be the duty of the said boards of supervisors to examine the said mortgages, accounts and minutes so to be annually exhibited to them, and thereupon to certify under their hands the state in which they shall find the monies committed to the charge of the said commissioners, and to transmit their certificate by mail to the Comptroller of this state; and if it shall appear to the comptroller from any such certificate, that the whole of the monies committed to the charge of the said commissioners respectively, have not been loaned as directed by said act, it shall be his duty to report the commissioners in default to the person administering the government of the state, in order that such commissioners may be removed and others be appointed in their stead; and it shall also be the duty of the Comptroller to order suits on the bonds of such commissioners so found in default.

CHAP. XXXIX.

AN ACT to alter the name of the town of Division, in the county of Tompkins.

Passed March 13, 1818.

Be it enacted by the people of the state of New-York, represented in senate and assembly, That from and after the passing of this

act, the town of Division, in the county of Tompkins, shall be known and called by the name of Groton.

CHAP. XL.

AN ACT *authorising the Treasurer of the county of Onondaga to receive the returns of the collectors of taxes in the towns therein mentioned.*

Passed March 13, 1818.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly,* That it shall be lawful for the treasurer of the county of Onondaga, at any time before the first day of April next, to settle with the collectors of the towns of Lysander and Cicero, and to administer to the said collectors the oath required by the act, entitled "an act for the assessment and collection of taxes," and shall receive the returns of the said collectors in the same form and manner as though the collectors had made their returns within the time limited by law.

II. *And be it further enacted,* That the treasurer of the county of Onondaga, within twenty days after making a settlement with the collectors aforesaid, shall transmit to the comptroller the returns of the arrears of taxes for the said towns, and the comptroller is hereby authorised to accept of the same, and to proceed in the collection of said taxes as in ordinary cases.

CHAP. XLI.

AN ACT *to alter the May term of the courts of common pleas and general sessions of the peace of the county of Lewis.*

Passed March 13, 1818.

Be it enacted by the people of the state of New-York, represented in senate and assembly, That from and after the next May term, the courts of common pleas and general sessions of the peace in and for the county of Lewis, shall be holden on the third Tuesday in April instead of the first Tuesday in May, and may continue until Saturday of the same week inclusive.

CHAP. XLII.

AN ACT *relative to the Johnstown turnpike road.*

Passed March 13, 1818.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly,* That it shall be lawful for the president, directors and company of the Johnstown turnpike company, if they shall deem the public convenience and the benefit of the said

road, to require it to alter the route of the said road between the house of Peter D. M'Vean and the village of Johnstown, and from the said village eastward so as to intersect the Mohawk turnpike between the house of Hugh Sandford and the village of Amsterdam: *Provided*, that the damages to be sustained by the owners of the lands through which the said road may pass, shall be assessed and paid in the manner prescribed by law.

II. *And be it further enacted*, That no part of the streets of the village of Johnstown shall be deemed or taken as forming part of the said turnpike road.

XLIII.

AN ACT to enable the trustees of the Presbyterian Church, in Cedar-street in the city of New York, to hold real and personal estate to the annual value or income therein mentioned.

Passed March 13, 1818.

Be it enacted by the people of the state of New-York, represented in senate and assembly, That it shall and may be lawful for the religious congregation or society, in the city of New-York, incorporated under an act of the legislature, entitled "an act to provide for the incorporation of religious societies," by the name and style of "the Presbyterian Church, in Cedar-street," to hold real and personal estate of an annual value or income not exceeding ten thousand dollars; any thing in the act, entitled "an act to provide for the incorporation of religious societies" contained notwithstanding: *Provided*, That the said property shall be such only as may be necessary for the purposes of such religious incorporation.

CHAP. XLIV.

AN ACT to divide the town of Avon, in the county of Ontario.

Passed March 13, 1818.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly*, That all that part of the town of Avon, in the county of Ontario, included in township number eleven, in the seventh range of townships in said county, shall be, and hereby is erected into a separate town by the name of Rush, and the first town meeting, in said town of Rush, shall be held at the school-house in district number ten, in said town of Avon, as the said school districts were numbered before the passing of this act.

II. *And be it further enacted*, That all the remaining part of the said town of Avon, shall be, and remain a separate town by the name of Avon, and that the first town meeting, in said town of Avon, shall be held at the dwelling-house of William Hosmer.

III. *And be it further enacted*, That as soon as may be, after the first Tuesday of April next, the supervisors and overseers of

the poor of the said towns of Avon and Rush shall, by notice to be given for that purpose by the supervisors thereof, meet together and apportion the poor maintained by said town of Avon, and the poor money belonging to the same, previous to the division thereof, agreeable to the last tax list, and that each of the towns of Avon and Rush shall forever thereafter support its own poor.

CHAP. XLV.

AN ACT to incorporate the Franklin Fire Insurance Company.

Passed March 13, 1818.

Preamble.

WHEREAS Stephen Whitney, Benjamin L. Swan, Elisha Tibbits, John Adams and others, associated as a company under the name and style of the Franklin Fire Insurance Company, have by their petition presented to the legislature, prayed for an act of incorporation, for the laudable purpose of insuring against any loss or damage by fire : Therefore,

Style & powers.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly,* That all such persons as now are or hereafter shall be stockholders of the said company, shall be and they are hereby created a body corporate and politic, in fact and in name, by the name of the " Franklin Fire Insurance Company," and that by the said name they and their successors shall and may have continual succession, and shall be in law capable of suing and being sued, pleading and being impleaded, defending and being defended answering and being answered unto, in all courts and judicatures whatsoever and wheresoever, in all manner of actions, suits, complaints, matters and causes whatsoever : and that they and their successors may have a common seal, and may change and alter the same at their pleasure.

Stock.

II. *And be it further enacted,* That the capital stock of the said corporation shall be five hundred thousand dollars, which shall be divided into shares of fifty dollars each ; and that the whole of the said shares shall be subscribed and actually paid, or satisfactorily secured to be paid, before the said corporation shall be allowed to commence business.

Real estate may be purchased.

III. *And be it further enacted,* That it shall and may be lawful for the said corporation to purchase and hold such and so much real estate as shall be necessary for their convenient accommodation in the transaction of their business, and also, to take and hold any real estate or securities, bona fide mortgaged or pledged to the said corporation, either to secure the payment of the shares of the capital stock thereof, or to secure the payment of any debt which may be contracted with the said corporation : and also, to proceed on the said mortgages or other securities for the recovery of the monies thereby secured, either at law or in equity or otherwise, in the same manner as any other mortgagee is or shall be authorised to do ; and also, to purchase on sales made by any judgment at law, or any order or decree of a court of equity, or any other legal proceedings or otherwise, to receive and take any real estate in pay-

ment or towards the satisfaction of any debt previously contracted and due to the said corporation, and to hold the same until they can conveniently and advantageously sell and convert the same into money or other personal property : *Provided always*, that it shall not be lawful for the said corporation to deal, or use, or employ any part of the stock, funds or monies thereof, in buying or selling any goods, wares or merchandize in the way of traffic, or in any banking operations, or in the purchase or sale of any stock or funded debt created or to be created under any law of the United States or of any particular state, or to emit any notes, or bills, or securities for the payment of money, except under the seal of the said corporation ; but it shall nevertheless be lawful for the said corporation to purchase and hold any such stock or funded debt, for the purpose of investing therein any part of their capital stock, funds or monies, and also to sell and transfer the same, and again to renew such investments when and as often as the exigencies or a due regard to the interest of the said corporation shall require : *And also*, to make loans of the capital stocks, funds or monies on bonds, mortgages or other securities, and the same to call in and reloan as occasion may render expedient.

IV. *And be it further enacted*, That the stock, property, affairs and concerns of the said corporation, shall be managed and conducted by sixteen directors, who may respectively hold their offices for one year and until others may be chosen and no longer ; which directors shall at all times, during their continuance in office, be stockholders in the said company, in their own right, to the amount of at least twenty shares, and shall be citizens of the United States ; and the said directors shall hereafter be elected on the second Monday of January in each and every year, at such hour of the day, and at such place in the city of New-York, as the board of directors for the time being shall appoint, of which election public notice shall be given in at least two of the public newspapers printed in the city of New-York, and continued daily (Sundays excepted) for the space of ten days immediately preceding such election ; and such election shall be holden under the inspection of three stockholders, not being directors, to be appointed previously to every election by the board of directors ; and such election shall be made by ballot, and by a plurality of the votes of the stockholders then present or their proxies, allowing one vote for every share of the said stock, but no share shall entitle the holder to vote unless the same shall have been held by him at least sixty days next immediately preceding such election ; and the first directors shall be Stephen Whitney, Benjamin L. Swan, Elisha Tibbits, John Adams, Henry I. Wyckoff, John I. Lawrence, George Griswold, William Bayard, junior, Perez Jones, James Welsh, Philip Eraser, Joseph P. M^r. Kinne, John I. Palmer, James Boorman, Thomas Buckley and Thomas Franklin, who shall respectively hold their offices until the second Monday of January, in the year of our Lord one thousand eight hundred and nineteen, and until other directors shall be elected.

V. *And be it further enacted*, That the directors herein before named, shall as soon as may be after the passing of this act, and the

President to
be chosen.

directors to be chosen at such annual elections, shall as soon as may be thereafter, proceed to choose out of their body one person to be president, who shall preside until the next annual election thereafter ; and in case of the death, resignation or inability to serve of the president or any director of the said corporation, such vacancy or vacancies may be filled for the remainder of the year by the board of directors, and in case of the absence of the president the board of directors, shall have power to appoint a president pro tempore, who shall have and exercise such powers and functions as the by-laws of the said corporation may provide.

Election may
be made on
any day.

VII. And be it further enacted, That if it should at any time happen that an election of directors should not be made on any day when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall be lawful on any other day to hold and make an election of directors in such manner as shall have been regulated by the by-laws and ordinances of the said corporation.

Stock shall
be assignable

VII. And be it further enacted, That the stock of the said corporation shall be assignable and transferable, according to such rules, and subject to such restrictions and regulations as the board of directors shall from time to time make and establish, and shall be considered personal property ; but in case the said corporation shall have any claim or demand against any stockholder thereof, whether such claim or demand is due or to become due at a future period, such stockholder shall not be entitled to make any transfer, sale or conveyance of his stock in the said corporation, or to receive a dividend thereon, until such claim or demand shall be paid or secured to be paid to the satisfaction of the board of directors, and unless such claim or demand shall be paid or secured to be paid in manner aforesaid within three months after the same shall have become due, then such stock of any such debtor, or so much thereof as shall be sufficient for that purpose, may be sold by the said corporation, and the proceeds thereof applied towards the satisfaction of such claim or demand.

Quorum
formed by a
majority of
the directors

VIII. And be it further enacted, That the major part of the directors of the said corporation shall constitute a board and be competent to the transaction of all the business of the said corporation, and all questions before them shall be decided by a majority of voices ; and they shall have power to appoint committees of directors and one or more assistants, and also to appoint a secretary and such other officers, clerks and servants as they shall deem expedient and proper for the well conducting and transacting their business ; and they shall also have power, at such times as to them shall seem meet, to make and declare dividends of such part of the profits resulting from the business of the said corporation, as they shall deem expedient, and shall also have power to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper, respecting the management and disposition of the stock, property, estate and effects of the said corporation, the compensation or wages, and the duties, powers and conduct of the officers and servants thereof, the election and meeting of directors, the transfer of shares, the management and conducting of the business of the said corpora-

ration, and all matters appertaining thereto, and such by-laws, rules and regulations at their discretion to repeal, alter or modify : *Provided*, that such by-laws, rules or regulations shall not be repugnant to the constitution and laws of this state or of the United States.

IX. *And be it further enacted*, That all policies of insurance and contracts which may be made and entered into by the said corporation, shall be sealed with the seal of the said corporation, and be subscribed by the president or president pro tempore, and attested by the secretary, or be subscribed and attested by such other persons as shall be designated for that purpose by the by-laws of the said corporation ; and being so sealed, signed and attested, shall be binding and obligatory on the said corporation, according to the tenor, intent and meaning of such policies or contracts ; and all such policies or contracts may be so signed, sealed and attested, and the business of the said corporation may be otherwise conducted and carried on, by committees or otherwise, without the presence of a board of directors, and the same shall be binding and obligatory on the said corporation : *Provided*, the same be done under or in conformity to the by-laws and ordinances of the said corporation.

Policies how to be made.

Provided.

X. *And be it further enacted*. That this act shall be deemed and taken to be a public act, and that the same shall be construed benignly and favorably for every beneficial purpose, and that this act shall continue in force until the year eighteen hundred and thirty-six.

This is a public act.

XI. *And be it further enacted*, That before the president and directors of said company shall assume any risk in pursuance of this act, that the amount of capital stock already subscribed for, or hereafter to be subscribed for in the said company, shall be paid by the subscribers for the same, to the said president and directors, and by them securely invested either in any of the public funds or debts of the United States, or of this state, or in the stock of any of the incorporated banks of the city of New-York, or loaned to individuals upon their bond or bonds, secured to be paid by mortgage or mortgages upon improved unincumbered real estate within this state, of the value of fifty per cent. more than the amount of the sum or sums so to be loaned as aforesaid ; and if the said president and directors shall at any time neglect so to do, they shall be held to be responsible in their individual and private capacities for any loss or losses which may be sustained by any person or persons by reason of such negligence.

Stock how to be paid.

CHAP. XLVI.

AN ACT for the relief of Jasper Hopper.

Passed March 13, 1818.

Be it enacted by the people of the state of New-York, represented in senate and assembly, That the treasurer, on the warrant of the comptroller, pay to Jasper Hopper, two hundred and thirty-eight dollars and thirty-eight cents, for so much disbursed by him in erecting an armory on the state ground at Onondaga arsenal, and for

furnishing certain tools, for the purpose of repairing and putting in order the military stores in said arsenal.

CHAP. XLVII.

AN ACT for the relief of Eunice Chapman, and for other purposes.

Passed March 14, 1818.

WHEREAS Eunice Chapman, in the year one thousand eight hundred and four, was lawfully married to James Chapman, by whom she had three children, and with whom she lived until the year one thousand eight hundred and eleven, when the said James Chapman abandoned his said wife, without leaving her any means of support, and soon after joined the society of Shakers, in Nyskauna, in the county of Albany: *And whereas* the said James Chapman, since joining the society of Shakers, has taken from his wife her children, and now keeps them concealed from her, and insists that the marriage contract between him and his said wife is annulled, and that he is not bound to support her, and has publicly forbid all persons from harboring her, and declared that he would not be responsible for her debts: Therefore,

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly,* That the marriage contract between the said Eunice Chapman and her said husband James Chapman, be and the same is hereby declared to be dissolved, and the said Eunice Chapman entirely freed from the same: *Provided,* that the dissolution of such marriage shall in no wise affect the legitimacy of the children thereof.

II *And be it further enacted,* That in all cases where any husband or wife, having any child or children of the marriage, shall hereafter separate the one from the other, and shall or have attached him or herself to the said Shakers, and shall also take or have taken with him or her such child or children, being under age, the chancellor or any judge of the supreme court, for the time being, on the application of the husband or wife not having joined the said Shakers, and being an inhabitant of this state, may allow a habeas corpus to bring such child or children before him; and if, on the return thereof, such child or children cannot be found, and it shall appear that such child or children is or are concealed or secreted by and among any society of shakers in this state, it shall be lawful for the chancellor or judge, as the case may, be in his discretion, to issue a warrant directing the sheriff or other proper officer of the county where the said society resides, in the day time, to search the dwelling-houses and other buildings of the said society, or any members thereof, for such child or children; and on bringing such child or children before the chancellor or judge, he may, on due consideration, award the charge and custody of such child or children, so to be brought before him, or any of them, to that parent who shall not have joined the said society of Shakers, for such time, and under such regulations and restrictions, and with such provisions and directions, as to the said chancellor or judge shall seem proper, and as

the case may require; and the chancellor or any judge of the supreme court, shall at all times thereafter have power, on sufficient cause shewn, to annul, vary or modify the order so to be made; and such warrant of the chancellor or judge shall justify the sheriff or other officer, and those who by their order shall come to their aid, in making such search as aforesaid, and if sued therefor, may plead the general issue, and give this act and the special matter in evidence: *And further*, if any members of the said society of Shakers, or any other person, shall send or carry, or cause to be sent or carried, any such child or children out of this state, or shall secrete or cause to be secreted within the same, any such child or children, so that the said writ of habeas corpus cannot be executed, such member of the society, and every other person concerned therein, shall be deemed guilty of a high misdemeanor, and on conviction thereof shall be fined not exceeding two hundred dollars, or imprisoned not exceeding six months, or both, at the discretion of the court before whom such conviction may be had.

CHAP. XLVIII.

AN ACT *to amend an act, entitled "an act respecting the settlement of the demands of this state against the United States, and for other purposes.*

Passed March 10, 1818.

Be it enacted by the people of the state of New-York, represented in senate and assembly, That the person administering the government of this state, is hereby further authorised to institute a negotiation with the government of the United States, for the sale of the ordnance and other apparatus, belonging to or connected with the fortifications belonging to this state, at the Narrows on Staten-Island, and to report the same to the legislature at their next session, for their consideration.

CHAP. XLIX.

AN ACT *to prevent the destruction of fish in the towns of Kinderhook and Chatham, in the county of Columbia.*

Passed March 10, 1818.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly,* That it shall not be lawful for any person or persons, at any time or in any manner, before the first day of June, which will be in the year one thousand eight hundred and twenty-one, to take any fish in any of the lakes, ponds or Streams following, situate in the towns of Kinderhook and Chatham, in the county of Columbia, to wit: the lakes or ponds known and distinguished by the names of the fish lake, the little lake, the snyder lake and dickuppa lake, or in the small stream which connects the said fish lake with the said little lake, or in a certain creek which

empties into the fish lake, aforesaid, below the dam formerly erected by Joseph Vail, and near the premises now occupied by Richard S. Peck, or in any place along the mill pond of John Niver, in the creek which flows out of the said fish lake, or in any other stream or streams which empty into or flow from the said lakes : nor shall it be lawful at any time hereafter to take fish of any kind in the waters aforesaid, by means of seines, nets or spears, or in any manner other than with hooks and lines.

II. *And be it further enacted*, That if any person or persons shall fish contrary to the provisions of the preceding section, he shall forfeit the sum of twenty five dollars, for each and every offence, to be sued for and recovered by any person who will prosecute for the same, in an action of debt, in his own name, with costs of suit, in any court within this state, having cognizance thereof ; the one half, when recovered, to be paid to the overseers of the poor of the town in which such forfeiture shall be incurred, and the other half to be for the benefit of the person who shall so prosecute.

CHAP. L.

AN ACT to explain the duties of the several collectors of taxes in this state.

Passed March 10, 1818.

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That whenever any collector of taxes, in any of the towns in this state, shall receive from the board of supervisors of the county in which such collector resides, a warrant ordering the said collector to collect of and from the inhabitants of the said town, any tax or taxes, it shall be the duty of such collector to call at the dwelling-house of each of the said inhabitants, against whom he may have a tax or taxes, and demand payment of the same, and in case the said tax or taxes are not paid, on such demand being made, it shall and may be lawful for such collector to levy on the personal property of any inhabitant or inhabitants, refusing or neglecting to pay the said tax or taxes, of sufficient value to secure the amount of the said tax or taxes, together with the costs of such levy and sale, and to proceed to the sale thereof, at public vendue, giving at least six days notice of such sale, by advertisement to be posted up in at least three public places in the town where such collector resides, describing the said property so to be exposed to sale, and the time and place of such sale.

CHAP. LI.

AN ACT declaring certain waters, therein mentioned, a public highway.

Passed March 10, 1818.

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly*, That so much of the waters of Oil

creek, in the county of Allegany, as runs below the house of Samuel H. Morgan, in the town of Friendship, to its confluence with the Ischua or Olean creek, in the county of Cattaraugus, be and is hereby declared a public highway.

II. *And be it further enacted*, That so much of the Genesee river, from the confluence of the Canasara creek, up to the bridge near the house of Philip Church Esquire, in the town of Angelica, in the county of Allegany, except from the foot of the falls to the head of the rapids, in the town of Nunda, and so much of said river as is included from the Pennsylvania line, down to Philipsburgh Mills, in the said town of Angelica, be and is hereby declared a public highway: *Provided*, that nothing in this act shall be construed to extend to or affect any mill or dam for the use thereof, that may have been erected, or the building thereof commenced, on either of the said streams of water, before the passing of this act.

III. *And be it further enacted*, That if any person or persons shall hereafter cut or fell any tree or trees into the said streams, or roll any log or logs therein, except for the purpose of rafting the same, or place any other obstruction therein, and shall not remove the same out of the said streams, within forty-eight hours thereafter, every such person or persons shall forfeit and pay the sum of five dollars for every such offence, to be sued for and recovered, with costs of suit, agreeable to the fifth section of an act, entitled "an act declaring certain waters to be public highways," passed April 2, 1813: *Provided nevertheless*, That if any person, erecting any mill or other works on either of the above mentioned streams, shall cut or dig a sufficient canal, or make a sufficient lock or locks, so that the navigation of the same be not injured by means of such dam or dams, mill or works, such persons shall not be liable to any of the penalties of this act.

CHAP. LII.

AN ACT for the relief of *Simon Hager, Martinus Van Slyck, John Brown and Wilhelmus Bouck.*

Passed March 19, 1818.

WHEREAS Simon Hager, Martinus Van Slyck, John Brown and Wilhelmus Bouck, sometime in November or December last, executed a bond with Jacob S. Lawyer, collector of the town of Middleburgh, as sureties: *And whereas* the said Jacob S. Lawyer, after collecting a great portion of said tax, absconded: *And whereas* by a warrant issued by the treasurer of the county of Schoharie, the right and title of a farm of the said Jacob S. Lawyer, was sold by the sheriff of the county, and purchased by said, sureties. Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That the Comptroller is hereby authorised and required to take security from the said Simon Hager, Martinus Van Slyck, John Brown and Wilhelmus Bouck, or either

of them, for the sum of four hundred and fifty dollars, being the consideration money of said sale, for such time and in such manner as he is directed to loan monies belonging to the school fund, in the 2nd section of "an act concerning the funds for the encouragement of common schools," and the comptroller, upon receipt of such security, shall credit the same to the sureties aforesaid, and issue his receipt to the sheriff, of the county of Schoharie, that the said sum of four hundred and fifty dollars has been paid by the said sureties; and the sheriff on receipt of such certificate, may execute a deed for the farm so purchased to the said sureties, or either of them, and that the sheriff's return, with the comptroller's certificate, shall be received by the treasurer of the county aforesaid, as so much money made and collected on said warrant, and that in settlement by him with the comptroller the same be credited to the county of Schoharie.

II. *And be it further enacted*, That the time mentioned for the return of the warrant issued by the treasurer of the county of Schoharie, to the sheriff of said county, against the said collector in default, is hereby extended forty days beyond the time mentioned in said warrant, any law to the contrary notwithstanding.

And whereas a considerable portion of said tax remains yet to be collected: Therefore,

III. *And be it further enacted*, That Simon Hager, one of said bail, is hereby authorised to collect all the taxes remaining due and unpaid on the said tax list, which was delivered to the said Jacob S. Lawyer, collector of the town of Middleburgh, and shall have all such powers and authority for collecting said tax as is vested in any collector by virtue of an act, entitled "an act for the assessment and collection of taxes," and the said Simon Hager is hereby required, on or before the first day of June next, to make returns of, and account for all monies which may come into his hands as aforesaid, in the same manner as the said Jacob S. Lawyer was directed to do, by virtue of his warrant.

IV. *And be it further enacted*, That it shall not be lawful for the said Simon Hager, to proceed to the collection of the monies due on said tax list, until he shall have entered into sufficient bonds, with two sureties to the supervisor of the town of Middleburgh, for the faithful return of all monies which may come into his hands as aforesaid, and the said bond shall be proceeded on in the same manner as is directed in and by the act, entitled "an act for the assessment and collection of taxes," in the cases of proceedings against collectors.

CHAP. LIII.

AN ACT in addition to an act, entitled "an act to amend an act, entitled "an act concerning the State Prison."

Passed March 24, 1812.

WHEREAS in and by the amendatory act above mentioned, the inspectors are authorised to retain so many of the guard as they

may deem necessary for the safety of the prisoners, until the number shall be reduced to five hundred and fifty : *And whereas* in and by said act the law making provision for the pay, clothing, &c. of the said guard, was absolutely repealed : Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That the nineteenth, twentieth, and twenty-seventh sections of the act of the twenty-first of May, one thousand eight hundred and twelve, entitled "an act concerning the state prison" be and the same are hereby revived to all intents and purposes whatsoever, and shall be continued in force until the guard shall be discharged under the provisions of the act of the fifteenth day of April, one thousand eight hundred and seventeen, above mentioned.

CHAP. LIV.

AN ACT to vest certain powers in the Board of Supervisors of the county of Dutchess.

Passed March 24, 1818.

WHEREAS it is represented to the legislature, that owing to the great and unusual destruction of the bridges in the county of Dutchess by the late rains, the provisions of the existing laws for the rebuilding and repairing of bridges are inadequate : Therefore,

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly,* That it shall be the duty of the supervisors of the several towns in the county of Dutchess, to meet at the court-house in said county on the first Tuesday of May next, and they are hereby authorised and empowered at their said meeting to raise by tax, on said county, such sum of money as they shall deem proper to be applied to the rebuilding and repairing of such of the bridges in said county, as have been destroyed or injured by the late rains ; which sum of money so be raised shall be apportioned among the several towns in said county, in such manner as the said supervisors shall think just and equitable.

II. *And be it further enacted,* That it shall be the duty of the commissioners of highways of the several towns in said county, on or before said first Tuesday of May, to make and deliver to the supervisors of said towns, respectively, an estimate of the sum of money necessary to be raised for the purpose of rebuilding and repairing the bridges so destroyed or injured in the said towns respectively ; and it shall be the duty of the said supervisors to cause the sum so certified to be necessary to be assessed on said towns, or so much thereof as they may deem expedient.

III. *And be it further enacted,* That the said supervisors shall cause the said sums, so to be assessed on the said county, and on the several towns thereof, to be collected at such time as they shall deem expedient, and shall issue their warrants to the several collectors in said county accordingly.

IV. *And be it further enacted,* That the monies so to be assessed

and collected as aforesaid, shall be disposed of, expended and accounted for in the manner directed by the several sections of the act entitled "an act to regulate highways," passed March 19, 1813.

CHAP. LV.

AN ACT *authorising the appointment of commissioners to take the acknowledgments of deed and special Bail, to take affidavits to be read in courts of record, and to restrict the number of masters in chancery.*

Passed March 24, 1818.

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly,* That it shall and may be lawful, and it is hereby made the duty of the council of appointment, to appoint and cause to be commissioned a sufficient number of commissioners in each county, who are hereby authorized, when duly sworn, in conformity to the act concerning oaths, to take the proof and acknowledgement of deeds and discharges of mortgages, the acknowledgment of special bail, and any affidavit or other oath to be read or used in any court of record in this state, as fully and with as ample powers as any master in chancery, judge of any court of common pleas, or commissioner for taking affidavits to be read in the supreme court, may of right do and by law possess.

II. *And be it further enacted,* That after the first day of July next, it shall not be lawful for any master in chancery to take the proof or acknowledgment of any deed or other writing, nor to take any affidavit or other oath, except such as are to be read or used in the court of chancery, nor to do any other official act which does not exclusively appertain to his duties as a master in the court of chancery.

III. *And be it further enacted,* That after the first day of July next, no report, order, taxation or other proceeding of any master in chancery, shall be deemed valid, unless such master shall have been of the degree of counsellor in the supreme court, or of solicitor or counsellor in the court of chancery: *Provided,* that this section shall not be applicable to any proceedings referred to or in the hands of such master before that day, and finished afterwards.

IV. *And be it further enacted,* That no person being a master in chancery, shall act as a commissioner under this act.

V. *And be it further enacted,* That after the said first day of July next, it shall not be lawful for the secretary of this state, or the clerk of any city or county within this state, to record or register any deed, mortgage or other writing, the proof or acknowledgment whereof shall have been taken before a judge of any court of common pleas, or a commissioner to be appointed by virtue of this act, who at the time of taking such proof or acknowledgment shall reside out of the county in which such deed, mortgage or other writing is required to be recorded or registered, unless there shall be subjoined to the certificate of such proof, or acknowledgment, a certificate under the hand and official seal of the clerk of the court

ty in which the said judge or commissioner shall reside : that the said judge or commissioner was at the time of taking the said proof or acknowledgment duly authorised to take the same, and that he is acquainted with the hand writing of the said judge or commissioner, and verily believes the signature to the said certificate, of the proof or acknowledgment, to be his proper hand writing ; and that the said secretary or clerk shall be entitled to receive for such certificate the sum of twenty-five cents : *Provided*, that this section shall not apply to any deed or deeds executed by Joseph Ellicott, for the Hollandland company.

VI. *And be it further enacted*, That nothing in this act contained shall be construed to extend to deeds, mortgages or other writings- proved or acknowledged out of this state.

CHAP. LVI.

AN ACT to regulate and improve the finances of the city of Albany.

Passed March 24, 1818.

WHEREAS the Mayor, Aldermen, and Commonalty of the city of Albany, have, by their memorial to the legislature represented, that by reason of the great expense which they have incurred in opening streets, digging down and levelling hills, filling up low places, in the erection of public buildings, in the purchase of ground for public purposes, and in various other improvements in the said city, they have found the ordinary revenues of the said city, and the proceeds of the sale of a portion of their real estate, inadequate to meet the demands which those expenses have produced ; and that they have therefore from time to time been obliged to raise money by bond under the corporate seal to defray those expenses ; and that in consequence of the great depreciation of real estate which, prevents them from making sales to that amount which otherwise they might do, and of the great expenditures for the two last years in the erection of an academy and Lancaster school-house, they are unable to raise the requisite monies to discharge their bonds and other debts without legislative interference in their behalf ; and praying that the legislature may pass an act permitting them to fund their present debt, by creating a stock not exceeding two hundred and five thousand dollars : *And whereas* the prayer of the said memorial appears reasonable : Therefore,

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful to and for the mayor, aldermen and commonalty of the city of Albany, as soon as conveniently may be after the passing of this act, to create a public fund, or stock not exceeding two hundred and five thousand dollars, and to be denominated the "Albany city stock," and that a proper book or books for receiving subscriptions to such stock may be opened at such times and places as the commissioners to be appointed by this act may from time to time direct and prescribe, to continue open each time so long as the said com-

Presented:

Stock to be created.

Provide.

missioners may direct, and until such sum as they direct shall be subscribed for : *Provided*, that all sums so subscribed for shall not exceed in the whole the sum of two hundred and five thousand dollars ; and that the sums subscribed thereto, shall be payable at such times and places, and in such manner, as shall for that purpose be prescribed by the commissioners appointed by this act; either in specie or current notes of any bank or banks, or in such of the bonds or other securities of the said mayor, aldermen and commonalty as may then be outstanding, according to the real value of the said bonds or securities, after deducting such sums or demands as the said mayor, aldermen and commonalty may have a legal right to set off against the said bonds or securities, in cases where any such rights may exist.

Certificates
to be given.

II. *And be it further enacted*, That for the said sum so subscribed and paid, the subscriber or subscribers shall be entitled to a certificate or certificates signed by the chamberlain of the said city, and countersigned by such person as the commissioners appointed under this act may direct, in such form as the said commissioners may prescribe, for a sum or sums which shall together be equal to the amount so subscribed and paid ; and each and every such certificate to purport in substance as follows, to wit : That the mayor, aldermen and commonalty of the said city owe to such subscriber or subscribers, his or their assigns, a sum to be expressed therein, not less however than one hundred dollars, bearing an interest not exceeding seven per cent. per annum ; the said interest to be paid half yearly or quarter yearly, as the said commissioners may see fit to direct, and the said principal not to be redeemed until ten years after the date of such certificate.

Commission-
ers.

III. *And be it further enacted*, That the mayor, recorder and chamberlain of said city, together with the chairman of the finance committee and the presidents of the banks now in said city, be and are hereby appointed commissioners under this act, to carry the same into effect, and for all the purposes therein specified ; and that they shall, before they enter upon the duties imposed upon them, become bound in such sureties as shall be satisfactory to the common council of the city of Albany, conditioned for the faithful execution of the duties intrusted to them.

Subscriptions

IV. *And be it further enacted*, That it shall be the duty of the chamberlain of said city, who shall likewise be the clerk to the commissioners appointed under this act, under the superintendence of the said commissioners to open books for subscriptions to the fund or stock, or to receive sealed proposals therefor, giving previous notice in one or more of the public papers that such proposals will be received ; reserving in all cases the preference to the offers of those who may hold the bonds or securities of the corporation, unless the proposals from others are considered more advantageous by the commissioners ; to issue the certificates before mentioned, to enter in books to be kept by him for that purpose, credits to the respective subscribers for the sums to which they shall severally be entitled, to transfer the said credits from time to time as shall be requisite, to place in the hands of the commissioners appointed by this act all sums that may be received by him for rents and for dividends for

turnpike stock, belonging to the corporation; and generally to observe and conform to such regulations and directions as shall from time to time be prescribed to him by the said commissioners, touching the execution of the said office.

V. *And be it further enacted*, That it shall be the duty of the commissioners appointed by this act, to receive the amount of quit rents and dividends on turnpike stock from the chamberlain aforesaid, to receive the avails of the tax which may be raised under the authority in this act, and with the same, at one or more of the banks in this city, to pay the interest on such certificates as may be issued in virtue of this act as the same may become due, and in case they shall find it necessary for the punctual payment of the said interest, to borrow monies on the faith of the fund hereby created and pledged: *And further*, to receive the avails of all lands sold by the mayor, aldermen and commonalty of the city of Albany, be the same in money, bonds or other securities; to receive monies in commutation for quit rents as may be directed by the common council, and to manage all sums belonging to the corporation that may come into their hands to the best advantage; investing it in stock to be created under this act, whenever the same can be purchased at par, or in other safe stocks, in order that, together with the rents, dividends on turnpike stock, and the proceeds of tax before mentioned, said fund may so accumulate in their hands as finally to reimburse the whole of the stock by this act intended to be created; and whenever the said stock is redeemed and paid off, the powers and duties of the said commissioners to cease; and any balance remaining in their hands to be paid over to the chamberlain of the said city, or as the common council may direct.

Interest how to be paid.

VI. *And be it further enacted*, That the said stock to be created by virtue of this act, shall be transferable only on the books of the said chamberlain, by the proprietor or proprietors of the said stock, his her or their attorney, for that purpose duly qualified.

Stock transferable.

VII. *And be it further enacted*, That the interest upon the said stock shall be payable on the first day of May, August, November and February, or on the first day of May and November, according to the terms of the said subscription and the certificates aforesaid.

Interest when payable.

VIII. *And be it further enacted*, That nothing in this act shall be construed in anywise to impair the rights of those persons who now hold bonds or other securities of the said mayor, aldermen and commonalty of the city of Albany, who shall not subscribe to said stock.

The rights of those who hold bonds not to be impaired.

IX. *And be it further enacted*, That the certificates to be issued in manner aforesaid, though not under the common seal of the said mayor, aldermen and commonalty of the said city, shall be binding and obligatory upon the said mayor, aldermen and commonalty and in like manner and with like force and effect as though the same were issued under their common seal.

Certificates binding, though not under the seal.

X. *And be it further enacted*, That the faith of the said mayor, aldermen and commonalty of the city of Albany, shall be pledged for the final redemption and payment of the stock which shall or may be created pursuant to the provisions of this act; and that all and singular the revenues of the said mayor, aldermen and com-

Faith of the corporation, pledged to redeem this stock.

monality, shall be and they are hereby pledged and appropriated for the payment of the interest which shall become due on the said stock, and shall continue so pledged until the final redemption of said stock : *And further*, that the monies or securities received by the mayor, aldermen and commonalty of the city of Albany, for real estate sold after the passing of this act, shall be placed in the hands of the commissioners aforesaid, and pledged for the purposes before mentioned ; and it shall not be lawful for the mayor, aldermen and commonalty of the said city, to make any other disposition of the lots and lands belonging to the corporation, or othe proceeds thereof, than the one by this act prescribed, until the avails, together with the reserved rents, the turnpike stock and the proceeds of tax to be raised by virtue of this act, a sufficient fund shall have accumulated in the hands of the said commissioners for the final redemption and payment of the stock aforesaid.

A sum of
\$5000 dis. to
be raised by
tax.

XI. *And be it further enacted*, That it shall be lawful for the said mayor, aldermen and commonalty to raise by tax a sum not exceeding eight thousand dollars in each and every year hereafter, until the stock created by virtue of this act is redeemed and paid ; to be assessed, collected and paid in the same manner as the contingent expenses of the county are assessed, collected and paid : to be appropriated, together with the reserved rents and the dividends on turnpike stock belonging to the said corporation, exclusively to the payment of the interest on the said stock, as far as the same will extend ; and the supervisors of the city and county of Albany, being served with a resolution of the said common council, directing such sum, shall cause the same to be raised, assessed and collected according to law ; and such money, when collected, shall be paid to the commissioners appointed by this act for the purposes aforesaid.

Banks may
subscribe.

XII. *And be it further enacted*, That it shall be lawful for any bank or insurance company to subscribe to the stock to be created as aforesaid, and from time to time to sell and dispose thereof, any thing in the act incorporating the same to the contrary notwithstanding.

Monies re-
ceived to be
applied to
redeem the
bonds.

XIII. *And be it further enacted*, That all the monies received for subscriptions to the stock aforesaid, shall be applied by the chamberlain, under the superintendence of the commissioners appointed by this act, to the payment of the bonds and other debts that were due and owing by the mayor, aldermen and commonalty of the city of Albany, prior to the passing of this act ; and that it shall not be lawful to apply them to any other purpose whatever.

CHAP. LVII.

AN ACT *extending the time for completing the Madison county turnpike road.*

Passed March 24, 1818.

Be it enacted by the People of the state of New-York, represented in Senate and Assembly, That the time limited for completing the road, mentioned in the act, entitled "an act to incorporate

the Madison county turnpike company," passed April eighth, eighteen hundred and eleven, be extended for one year, after the expiration of the time now allowed by law for completing the same.

CHAP. LVIII.

AN ACT *declaring and establishing the boundary between the towns of Sheldon and Ischua, in the counties of Genesee and Cattaraugus.*

Passed March 24, 1818.

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the passing of this act, the boundary line between the towns of Sheldon and Ischua, shall be on the line between numbers six and seven, in the third and fourth ranges; and that all public proceedings heretofore had, with reference to the boundary line aforesaid, be and the same is hereby confirmed.

CHAP. LIX.

AN ACT *to amend an act, entitled "an act to incorporate the Brooklyn, Jamaica and Flatbush turnpike company, and for other purposes".*

Passed March 24, 1818.

WHEREAS the president and directors of the Brooklyn, Jamaica and Flatbush turnpike company, have, by their petition, represented to this legislature, that since the passing the act incorporating the said company, expensive pleasure waggons have been introduced as substitutes for gigs, coaches and other pleasure carriages, some of which pay twenty-five cents toll; and that the above said pleasure waggons, when drawn by one horse, now pay only four cents, and when drawn by two horses, pay only nine cents, and praying that the toll be increased on said pleasure waggons: Therefore,

I. Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That the toll on the waggons above described, when used exclusively for pleasure on said road, and drawn by one horse, shall be increased to ten cents, and when drawn by two horses to fifteen cents, for the whole distance of said road, and in the same proportion for a less distance of the said road; any thing in the act hereby amended, to the contrary notwithstanding.

And whereas the president, directors and company, of the Jerico turnpike road, have, by their petition to the legislature, made a similar application as the one above described: Therefore,

V. And be it further enacted, That the toll on the waggons above described, when used exclusively for pleasure, on the said Jerico turnpike road, and drawn by one horse, shall be increased to ten cents, and when drawn by two horses, to twenty cents, for every

ten miles of the said road, and in the same proportion for a greater or less distance of the said road ; any thing in the act hereby amended, to the contrary notwithstanding.

CHAP. LX.

AN ACT to limit the number of Judges of the courts of common pleas, and justices of the peace, in the several counties of this state, and to abolish the office of assistant justice.

Passed March 27, 1818.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly,* That from and after the passing of this act, it shall not be lawful for the the council of appointment to appoint any more judges of the courts of common pleas, than five judges, including the first judges, in any of the counties of this state.

II. *And be it further enacted,* That from and after the passing of this act, it shall not be lawful to appoint any more than four justices of the peace in any town in this state : *Provided,* that nothing in this section shall be so constrained, as to prevent the judges of the courts of common pleas from being also appointed justices of the peace.

II. *And be it further enacted,* That from and after the passing of this act, the office of assistant justice of the court of common pleas, be and the same is hereby abolished.

III. *And be it further enacted,* That so much of the eleventh section of act, entitled " an act concerning the courts of common pleas and general session of the peace, in the several counties of this state," as requires the mention of " assistant justices," in the caption, and continuance of records, be and the same is hereby repealed.

CHAP. LXI.

AN ACT directing the execution of Abraham Kesler, convicted of murder.

Passed March 27, 1818.

WHEREAS a at court of oyer and terminer, held in and for the county of Schoharie, in the month of September last, a certain Abraham Kesler was convicted of the murder of Catharine Kesler, and sentenced to be executed on the seventeenth day of October last : *And whereas* his excellency the governor has suspended the execution, and reported the case of the said Abraham Kesler, to the legislature, in order that, in obedience to the injunction of the constitution, the said legislature might either pardon or direct the execution of the criminal, or grant a further reprieve : *And whereas,* from an examination of the same, nothing has appeared of sufficient weight to warrant a favorable interposition : Therefore,

Be it enacted by the People of the State of New-York, represented

in Senate and Assembly, That the sheriff of the county of Schoharie, shall cause the said Abraham Kesler to be executed on the last Friday in May next, between the hours of twelve and three in the afternoon.

CHAP. LXII.

AN ACT *to amend an act, entitled " an act to incorporate the Oswego bridge company," passed April 17, 1816.*

Passed March 27, 1818.

Be it enacted by the people of the state of New-York, represented in senate and assembly, That the time limited in the act to incorporate the Oswego bridge company, for the erection and completing the said bridge, shall be and is hereby extended to three years from the passing of this act, and that the last proviso in the fifth section of the act hereby amended, be and the same is hereby so amended, that the time, during which it shall not be lawful for the legislature to reduce the toll, shall be twenty years instead of ten.

CHAP. LXIII.

AN ACT *to divide the town of Pittsford, in the county of Ontario.*

Passed March 27, 1818.

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the day preceding the first Tuesday in April next, all that part of the town of Pittsford, in the county of Ontario, known as township number twelve, in the seventh range, shall be and the same is hereby erected into a separate town by the name of Henrietta, and that the first town meeting shall be held at the place at which the last town meeting of the town of Pittsford was adjourned.*

II. *And be it further enacted, That all the remaining part of the said town of Pittsford, shall be and remain a separate town by the name of Pittsford, and that the first town meeting shall be held at the meeting house, near the dwelling-house of Stephen Lusk.*

III. *And be it further enacted, That as soon as may be, after the first Tuesday of April next, the supervisors and overseers of the poor of the towns of Pittsford and Henrietta aforesaid, shall, by notice to be given by the supervisors of Pittsford and Henrietta, aforesaid, for that purpose, meet together and apportion the poor maintained by the said town previous to the division, and also to divide all money which is or may be in the hands of the overseers of the poor, in an equitable manner; and if the supervisors and overseers cannot agree upon such division; then the supervisors of the county, at their next annual meeting, shall apportion the poor and money belonging to the said town of Pittsford, between the said towns, and that each town shall forever thereafter maintain its own poor.*

CHAP. LXIV.

AN ACT to erect parts of the towns of Hillsdale, Canaan and Chatham, in the county of Columbia, into a separate town.

Passed March 28, 1818.

Be it enacted by the people of the state of New-York, represented in senate and assembly, That from and after the first day of April next, such parts of the town of Hillsdale, as lie northerly of a line beginning on the east bounds of said town, one hundred rods southerly of the dwelling house of James Deyo; and from thence running south, eighty degrees and thirty minutes east, to the eastern bounds of this state; and all such parts of the towns of Canaan and Chatham, as lie southerly of a line beginning on the northern boundary of Hillsdale, two hundred and twenty rods west of its north-eastern corner, and running due north one hundred and eighty seven rods; thence westerly, on a direct line to a point in the said town of Chatham, two miles and thirty two rods from the northwest corner of said town of Hillsdale, on a course north, fourteen and a half degrees east; thence south, fourteen and a half degrees west, to said northwest corner of said town of Hillsdale, shall be and is hereby erected into a separate town by the name of Austerlitz, and that the first town meeting in said town shall be holden at the house of Elisha Murdock; and the remaining parts of the said towns of Hillsdale, Canaan and Chatham, shall be and remain separate towns by the names of Hillsdale, Canaan and Chatham.

II. *And be it further enacted,* That as soon as may be, after the first town meeting, the supervisors and overseers of the poor of the towns respectively, on notice being given for that purpose, shall meet and apportion the monies and poor, belonging to the said towns of Hillsdale, Chatham and Canaan, previous to the division thereof, agreeable to the last tax list, and that each of the said towns shall forever thereafter respectively maintain their own poor.

CHAP. LXV.

AN ACT to amend the act, entitled "an act relative to turnpike companies," passed March 13, 1807.

Passed March 31, 1818.

Be it enacted by the people of the state of New-York, represented in senate and assembly, That nothing in the seventh section of the act hereby amended, which exempts from the payment of toll, any person residing within one mile of any turnpike gate, shall be so construed, as to exempt any person residing within that distance, from the payment of toll, who shall become the carrier or transporter of any kind of property not belonging to such person, and which shall be owned by persons who do not reside within a mile of any gate.

CHAP. LXVI.

AN ACT to amend the act, entitled "*an act to incorporate the Lake Champlain steam boat company.*"

Passed March 31, 1818.

Be it enacted by the people of the state of New-York, represented in senate and assembly, That it shall be lawful for the "*Lake Champlain steam boat company*" to enlarge their capital stock to two hundred thousand dollars, and to increase the shares of the said stock to one thousand and eighty : *Provided always,* that no part of the said capital shall be used or employed for any purpose prohibited by the act of incorporation of the said company.

CHAP. LXVII.

AN ACT reviving the act relative to incorporations for manufacturing purposes.

Passed March 31, 1818.

Be it enacted by the people of the state of New-York, represented in senate and assembly, That the act, entitled "*an act relative to incorporations for manufacturing purposes,*" passed March twenty-second, in the year one thousand eight hundred and eleven, be and the same is hereby revived and continued in force for the term of five years from the passing of this act.

CHAP. LXVIII.

AN ACT for the relief of John Mattison.

Passed March 31, 1818.

Be it enacted by the people of the state of New-York, represented in senate and assembly, That the supervisors of the county of Madison, or a majority of them, at their next annual meeting, are hereby authorised to audit and allow any account which the said John Mattison may have, at the time of the passing of this act, for monies necessarily expended in the maintenance and support of any poor and imprisoned debtors, confined by him, in the gaols in the county of Oneida ; and to levy and collect the same of the freeholders and inhabitants of the said county of Madison, in the usual way of levying and collecting taxes, and to cause the same to be paid to the said John Mattison, in discharge of the said account.

CHAP. LXIX.

AN ACT to amend an act, entitled "an act to raise monies for building a new Court-House, Gaol, and fire-proof Clerk's Office, in the county of Ulster, passed April 12 1816." And also the act, entitled "an act to amend an act to raise monies for building a new court-house and fire proof clerk's office in the county of Ulster, passed April 15, 1817."

Passed March 31, 1818.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly,* That it shall and may be lawful for the supervisors of the county of Ulster, to borrow a sum of money, not exceeding the sum of *twelve thousand dollars*, and upon such terms as they shall deem proper, for the purposes of completing the court-house gaol and fire-proof clerk's office, in the county of Ulster; and under the existing laws for building said court-house, gaol and fire-proof clerk's office, in said county, to raise from time to time such sums of money, as shall be necessary to pay off the principal and interest accruing on such loan; and that hereafter, the power of appointing and removing the commissioners to superintend the building of the said court-house, gaol and fireproof clerk's office, in said county shall be exclusively vested in the supervisors of said county; and that the compensation to be allowed the said commissioners, or any of them, shall be determined by the supervisors at their annual meeting.

II. *And be it further enacted,* That so much of the acts hereby amended as relate to the appointing and removing of the commissioners for building the said court-house, gaol and fire-proof clerk's office in said county, and their compensation, be and is hereby repealed.

III. *And be it further enacted,* That until the gaol in said county of Ulster shall be ready to receive the prisoners, it shall be lawful for the sheriff of Ulster, to make use of the gaol of the county of Greene, for the purpose of confining prisoners, in the same manner as is provided in the acts hereby amended for using the gaol of the county of Dutchess.

CHAP. LXX.

AN ACT authorising the appointment of gaugers and inspectors of Fish Oils.

Passed March 31, 1818.

Inspector to
be appointed
in New-York,
Albany and
Troy.

1. *Be it enacted by the people of the state of New-York, represented in senate and assembly,* That the person administering the government of this state, by and with the advice and consent of the council of appointment, shall from to time appoint one person for the city of New-York, whose powers shall extend to, and include the village of Brooklyn; one person for the city of Albany; and one person for the city of Troy, whose powers shall extend to, and include Lansingburgh and Waterford, to be gaugers and inspectors of fish oil.

II. *And be it further enacted*, That each person so appointed, shall, before he enters on the duties of his office, take the following oath or affirmation, (as his conscience may dictate) before any officer in the place, for which he is appointed, legally authorised to administer oaths, to wit: "I do solemnly swear or affirm (as the case may be) that I will faithfully and impartially, to the best of my judgment and skill, perform and execute the office and duty of a guager and inspector of oils, according to law; and that I will not, directly or indirectly, by myself or any other person for me, buy or sell any fish oil, during the time I may continue guager and inspector of the same, on my own account, or for account of others, nor will I receive any profit or emolument arising in any manner or way from fish oil, during the term aforesaid, other than the legal fees of my office, so help me God."

Oath,

III. *And be it further enacted*, That it shall be the duty of each person appointed by virtue of this act, to provide himself with proper instruments for guaging and inspecting oil and whenever called on to guage and inspect any parcel of fish oil, within the place for which he was appointed, it shall also be his duty to inquire diligently and seek out any parcels of fish oil within his district, and guage and inspect the same, and brand legibly on the head of each cask he may so guage and inspect, his own name and the name of the place for which he was appointed; also the whole number of gallons the same shall guage, and separately from each other the quantity of water, the quantity of sediment, as well as the quantity of pure oil he shall find therein, and shall make, subscribe and deliver to the owner or holder of such parcel of oil so guaged and inspected, a certificate, exhibiting in separate columns the quantity of each of the aforesaid enumerated ingredients the whole parcel shall contain; for all of which guaging, inspecting, branding and certifying aforesaid, he shall receive from the owner or holder of the oil so guaged and inspected, twenty cents for each cask, be the same small or large, the one half of which shall always thereafter be chargeable upon the purchaser of the same.

Their duties,

IV. *And be it further enacted*, That it shall be the duty of all persons owning or holding fish oil, to put the same in a convenient position for guaging and inspecting whenever thereto required by an authorised guager and inspector.

Duty of the owners of Oil,

V. *And be it further enacted*, That any person or persons who shall counterfeit, alter or change any of the brands or marks aforesaid, on any cask of oil so branded or marked, or who shall mix or in any manner adulterate any cask of oil so branded or marked, or who shall buy, sell or barter any oil within the districts or places aforesaid, except the same shall have been guaged, inspected and branded according to law, or who shall ship, export, or otherwise convey or cause to be conveyed any oil out of, or from the districts or places aforesaid, except the same shall have been guaged, inspected and branded according to law, such person or persons so offending, shall forfeit and pay the sum of twenty-five dollars for each cask, the brands or marks of which shall be so counterfeited, altered or changed, or which shall be so bought, sold or bartered, or

Penalty for counterfeiting.

which shall be so shipped, exported or otherwise conveyed contrary to the true intent and meaning of this act : *Provided, nevertheless*, that nothing herein contained shall be construed to prevent any person or persons from buying or selling oil by measures legally sealed.

Brands to be defaced. VI. *And be it further enacted*, That it shall be the duty of any person or persons who shall use or otherwise empty the contents of any cask of fish oil, immediately to efface the gauger's and inspector's marks or brands from the same, under the penalty of twenty-five dollars.

Penalties how recovered. VII. *And be it further enacted*, That any forfeitures arising by virtue of this act, may be sued for and recovered by action of debt, with costs of suit in any court having cognizance of the same, to the sole use and behoof of any person who shall sue therefor.

CHAP. LXXI.

AN ACT *providing for the appointment of an inspector of Seal Leather in the village of Waterford.*

Passed March 31, 1818.

Be it enacted by the people of the state of New-York, represented in senate and assembly, That the person administering the government of this state, by and with the advice and consent of the council of appointment, shall from time to time appoint an inspector of seal leather, for the village of Waterford, in the county of Saratoga.

CHAP. LXXII.

AN ACT *to amend an act entitled "an act making provision for improving the navigation of Hudson's river, between the villages of Troy, Lansingburgh and Waterford, and other purposes, passed April 2, 1810."*

Passed March 31, 1818.

WHEREAS by the above recited act, the legislature appropriated thirty thousand dollars for improving the navigation of Hudson's river, between the villages of Troy, Lansingburgh and Waterford, and by the said act appointed eight commissioners to make the contemplated improvements : *And whereas* by the death of Ira Scott, and the removal of Richard Davis, junior, and John Hazard, three of the commissioners appointed by the said act, have become vacant : Therefore,

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly*, That John Vibbard, William De Wolf and David Spencer, be, and they are hereby appointed commissioners to fill the vacancies occasioned by the death of the said

Ira Scott, and the removal of the said Richard Davis, junior, and John Hazard.

II. *And be it further enacted*, That Abraham C. Lansing and Gardner Tracy, be, and they are hereby appointed commissioners to supply the vacancies occasioned by the resignation of James Hickok and Elijah Janes, two of the commissioners appointed by the law hereby amended.

CHAP. LXXIII.

AN ACT to incorporate the Grand Chapter of the state of New-York.

Passed March 31, 1818.

WHEREAS it is represented to the legislature by the Grand Chapter of Freemasons of the state of New York, that they experience great difficulties in vesting and securing their funds, which are chiefly intended for charitable purposes; and that they wish to purchase and hold a lot of ground for the purpose of erecting thereon a Masonic Hall: Therefore,

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Ezra Ames, Richard Hatfield, Joseph Enos, junior, John Brush, Ebenezer Wadsworth and Isaac Hempstead, and their associates, be, and they are hereby declared a body politic and corporate, in fact and in name, by the name of the "Grand Chapter of the state of New-York;" and that by that name, they and their successors shall and may have succession, and be capable of suing and being sued, pleading and being impleaded, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and that they may have a common seal, and alter the same at pleasure.

E. Ames & others, incorporated.

style.

II. *And be it further enacted*, That their elections of officers, shall be made annually, at such time and place, and subject to such rules and regulations, as the said grand chapter shall from time to time direct; and that the four first officers, together with the secretary and treasurer for the time being, shall always be the trustees, and have the management of the concerns of the said grand chapter: *Provided always*, that all appropriations of the funds of the said chapter, shall be made by the trustees aforesaid, by and with the consent of a majority of the members thereof, present at their annual meetings.

Elections.

III. *And be it further enacted*, That the trustees aforesaid, and their successors, by the name aforesaid, shall be in law capable of purchasing, holding, selling and conveying any estate, real and personal, for the use and benefit of the said chapter, not exceeding fifty thousand dollars in value: *Provided*, that no real estate or lot of ground shall be purchased or held by the said trustees, except for the purpose of building and erecting a masonic hall thereon: and that the powers of the said trustees in relation to their personal estate, shall be confined to the vesting and securing of their funds and the trans-

Powers of the trustees.

Provide.

fer and distribution thereof, for the ordinary and usual purposes of the said chapter: *And provided also*, that this act shall in no wise affect any other or subordinate chapter in this state.

IV. *And be it further enacted*, That this act shall be taken and deemed to be a public act, and that it shall and may be lawful for the legislature at any time hereafter, to alter or repeal the same.

CHAP. LXXIV.

AN ACT for building a toll bridge over the Genesee river, at the village of Carthage.

Passed March 31, 1818.

*H. Norton &
others incor-
porated.*

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly*, That Heman Norton, Elisha Beach, Elisha B. Strong, Levi H. Clark, Ebenezer Peete, Ebenezer Spear and Francis Albright, and their present and future associates, their successors and assigns, be and they are hereby created a body corporate and politic, by the name of "the Brighton Bridge company," for the purpose of building a bridge over the Genesee river, at or near a point within fifty rods below the lower falls on said river; and they are hereby ordained, constituted and declared to be, forever hereafter, a body politic and corporate, in fact and in name; and by that name they and their successors shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleaded and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever; and that they and their successors may have a common seal, and make, change and alter the same at their pleasure; and also that they and their successors, by the same name and style, shall be in law capable of purchasing, holding and conveying any estate, real and personal, for the use of the said corporation: *Provided*, the real estate, so to be holden, shall be such only as shall be necessary to promote or attain the objects of this incorporation.

Style.

*Commission-
ers to take
subscriptions*

II. *And be it further enacted*, That Heman Norton, Elisha B. Strong, Levi H. Clark, Francis Albright and Ebenezer Peete, be and they are hereby appointed commissioners to do and perform the several duties hereinafter mentioned, viz: they shall, on or before the first day of May next, procure five books, and in each of them enter as follows: we, whose names are hereunto subscribed, do for ourselves and our legal representatives, promise to pay the president, directors and company of the Brighton bridge company, the sum of fifty dollars for every share of stock in the said company set opposite our respective names, in such manner and proportion and at such time and place as shall be determined by the said president, directors and company; one of which books shall be left with each of the said commissioners, at their respective places of abode, who shall keep the same open for the purpose of receiving subscriptions; and every subscriber shall, at the time of subscribing, pay unto either of the said commissioners the sum of five dollars upon each share so subscribed; and the commissioners shall, as soon as one hundred

shares have been subscribed, cause an advertisement to be inserted in a newspaper printed in the county of Ontario, giving at least fifteen days notice, of the time and place the said subscribers shall meet, for the purpose of choosing five directors (who shall be stockholders) to manage the concerns of the said company for one year and the day of choosing the said directors shall forever thereafter be the anniversary day for choosing directors. which directors shall hold their offices for one year, and until others are chosen in their stead; and a majority of the said directors so met, shall be a quorum, and capable of transacting the business of the said corporation, and every act of a majority of said directors so met, shall be binding on the said corporation; and if any of said directors or other officers shall die, resign, remove out of this state or cease to be a stockholder, it shall be competent and lawful for the remaining directors to elect other said officers in their stead, for the remainder of said year; and the said directors, elected by a plurality of the votes of the stockholders present, shall immediately proceed to the choice of one of their number for president; and the said president and directors may meet from time to time, at such time and place as they may find expedient and direct, and shall have power to make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of this state, or of the United States, as shall be necessary for the well ordering the affairs of the said corporation.

Directors.

III. *And be it further enacted*, That the aforesaid commissioners shall and may, at any time before the first day of May, one thousand eight hundred and eighteen, fix upon a spot where the said bridge shall be built, provided the spot so to be fixed upon for building the said bridge by the said commissioners, shall be north of the lower falls on the Genesee river, and not more than two hundred and fifty yards from the same; and that the said president, directors, their agents, artists or other persons employed by them, may enter upon and take possession of the lands on each side of the river, where the said commissioners shall determine said bridge shall be erected; and the said corporation shall, on taking possession of any such land, and on receiving a conveyance thereof, pay the owner or owners thereof the value of so much of the same as may be necessary for making said bridge, and erecting and establishing a gate, toll-house, and all other works to the said bridge belonging; in case of disagreement between the parties, as to such value, the same shall and may be ascertained by three indifferent freeholders of the county where such land shall lie, who shall be appointed for that purpose, and sworn to make a just valuation, by the judges of the court of common pleas, not interested, or a major part of them, held for the same county, on application from the said president and directors to them for such appointment.

Site of the bridge.

IV. *And be it further enacted*, That the said president and directors may continue to receive subscriptions to the said stock of the said corporation, until there shall be three hundred shares subscribed; and shall have power to appoint such agents, clerks, workmen and others under them, as shall be necessary for executing the business of the said corporation.

Stock.

Time limited
to build the
bridge.

Shares.

Toll.

Call for
stock subscri-
bed.

Penalty for
injurying the
bridge.

V. *And be it further enacted*, That in case the aforesaid bridge shall not be erected, built and completed, on or before the first day of December, in the year one thousand eight hundred and twenty, then the corporation created by this act, shall be adjudged and considered as dissolved.

VI. *And be it further enacted*, That the number of shares or subscriptions constituting the stock or funds of the said corporation, shall not exceed three hundred shares; and that the amount to be paid for each share or subscription shall be fifty dollars; and that each stockholder shall be entitled to a number of votes equal to the number of shares which he or she shall have or hold in his or her name, which shares shall be considered to be personal estate, and shall and may be transferable.

VII. *And be it further enacted*, That as soon as said bridge shall be finished and completed, and one of the judges of each of the courts of common pleas, for the counties of Ontario and Genesee, not being stockholders, shall, upon inspection, certify under their hands, that the said bridge is well and sufficiently built, and will admit of the passage of teams and loaded carriages, it shall and may be lawful for the said corporation to demand, receive and take, for the use of said bridge, a toll not exceeding the following rates, to wit: for every four wheeled pleasure carriage and two horses, twenty five cents, and for every additional horse in such carriage, six cents; for every two wheeled pleasure carriage, with one horse, twelve and a half cents, and for every additional horse, six cents; for every stage waggon or stage sleigh, with four horses, twenty-five cents; for every cart or waggon, with two horses or other beasts, twelve and a half cents, and for every additional horse or other beast, six cents; for every sled or sleigh, ten cents, and for every additional horse or other beast, six cents; for every cart, waggon, sleigh or sled, with one horse or other beast, nine cents; for every score of horses, mules, asses or neat cattle, thirty cents, and so in proportion for a greater or less number; for every score of sheep or hogs, ten cents, and so in proportion for a greater or less number; for every man and horse, six cents; for every footman or single passenger, three cents; and if the said bridge so to be built, shall, at any time hereafter, be carried away, thrown down or destroyed, by an unavoidable accident, the said corporation shall be allowed two years, from the time of such casualty, to rebuild the said bridge for the accommodation of the public travel.

VIII. *And be it further enacted*, That it shall and may be lawful for the said directors to call on and demand from the stockholders respectively, all such sums of money by them subscribed, or to be subscribed, at such times and in such proportions as they shall see fit, under forfeiture of their shares, and all previous payments thereon th the said president, directors and company, not impairing the right of enforcing payment by process of law of the subscriptions made under this act as aforesaid.

IX. *And be it further enacted*, That if any person or persons shall wilfully do, or cause to be done, any act whatsoever, whereby the said bridge, or any thing appertaining to the same, shall be impaired, weakened or injured, the person or persons so offending,

shall forfeit and pay to the said company treble the amount of the damages sustained by the means of such offence or injury, to be recovered by said company, with costs of suit, and by action of debt, in any court of record having cognizance thereof, which action in every instance shall be considered as transitory in its nature, and shall and may be triable in any county in this state.

X. *And be it further enacted*, That in crossing the said bridge with carriages, horses or cattle, the same shall not be rode or driven at a faster rate than on a walk, under the penalty of one dollar for each offence, to be paid by the persons respectively riding or driving the same, to be recovered, with costs, before any justice of the peace of the counties of Ontario or Genesee, in the name of either of the proprietors of the said bridge, for the use of the said proprietors. Penalty for crossing faster than on a walk.

XI. *And be it further enacted*, That if any person or persons shall forcibly pass the gate, to be erected over said bridge in pursuance of this act, or shall cause his or their horse, carriage, waggon, sled, cattle or other thing or things to pass the same, without having paid the legal toll for passing said bridge, such person or persons shall forfeit and pay a sum not exceeding ten dollars, nor less than one dollar, to be recovered by the treasurer of said corporation, to their use, in action of trespass, which action shall in every instance be considered as transitory in its nature. For crossing without paying toll.

XII *And be it further enacted*, That this act shall be, and is hereby declared to be a public act, and shall be benignly and favorably construed for all the beneficial purposes herein intended. Public act.

XIII. *And be it further enacted*, That nothing in this act contained shall be construed to take away the powers vested in the courts of common pleas, of the counties of Ontario and Genesee, respectively, to grant licences for keeping ferries on any other part of the Genesee river, under the act concerning ferries. Ferries may be kept on the river.

XIV. *And be it further enacted*, That this act shall continue in force forty years, and no longer. Duration of this act.

CHAP. LXXV.

AN ACT relative to the courts of common pleas and general sessions of the peace, in and for the county of Steuben.

Passed March 31, 1818.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly*, That the court of common pleas and general sessions of the peace, held at the court house in the town of Bath, in and for the county of Steuben, shall hereafter be held at the three several terms following, to wit: on the second Tuesdays of May, September and January, in each and every year; and each of the said terms, of the said courts may continue to be held until the Saturdays following the said Tuesdays inclusive.

II. *And be it further enacted*, That the first term of the said courts shall be held as aforesaid, on the second Tuesday of May next; and that all writs, process, notices and recognizances, made

returnable on the third Tuesday of June next, in the said courts respectively, shall be and hereby are made returnable in the said courts on the second Tuesday of May next; and that all adjournments, appearances, continuances and notices of any proceedings in the said courts respectively, shall be held, and taken to be made to, and at the terms of the said courts respectively, as altered by this act.

III. *And be it further enacted*, That all acts, or parts of acts heretofore passed, relating to the times of holding the aforesaid courts, be and the same are hereby repealed.

CHAP. LXXVI.

AN ACT to enable the children of Martha Bradstreet, by Matthew Codd, her late husband, to change their names.

Passed March 31, 1818.

Be it enacted by the people of the state of New-York, represented in senate and assembly, That it shall and may be lawful for Elizabeth Catharine Codd, Sarah Mary Anne Codd, Eleanor Cloney Codd, John Bradstreet Codd and Edward Livius Codd, children of Martha Bradstreet, by her late husband Matthew Codd, to assume, and forever hereafter to bear the name of Bradstreet, instead of the name of Codd.

CHAP. LXXVII.

AN ACT for the relief of Olmstead Chamberlin.

Passed March 31, 1818.

WHEREAS Olmstead Chamberlin purchased of the state of New-York, lot number two hundred and eighty-five, in the village of Lewiston, and gave his bond for one hundred and ninety dollars for the same, and became bound to build a dwelling house on said lot within two years from the day of the purchase: *And whereas* the said lot has been used as a cemetery for the said village, as well as for the army of this state and of the United States: *And whereas* the plan of the said village was altered in the year one thousand eight hundred and fifteen; and a new cemetery laid out, and now used as such: *And whereas* it would be desirable and proper to have the remains of the bodies removed to the present burying ground, and decently interred in the same: *And whereas* it is improper that a building should be erected on the said lot, without such removal: Therefore,

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly*, That the said Olmstead Chamberlin be, and he is hereby authorized to remove the said remains, and cause them to be decently interred in the new cemetery; and on his producing to the surveyor general of this state satisfactory evidence of his having removed, and decently interred the same, in the new

cemetery, it is hereby made the duty of the said surveyor general to cause his said bond aforesaid to be cancelled, as a remuneration to the said Olmstead Chamberlin for such removal.

II. *And be it further enacted*, That the said Olmstead Chamberlin shall be allowed two years, after the first day of June next, to erect a dwelling house on the said lot, instead of the time allowed by his former contract aforesaid, providing he removes and inters the bodies aforesaid.

CHAP. LXXVIII.

AN ACT to incorporate the Union Insurance Company.

Passed March 31, 1818.

WHEREAS Samuel A. Lawrence, James Boyd, junior, Belthazar Melick, Robert Benson, junior, Peter Schermerhorn, junior, Joseph Smith and others, in the city of New-York, have presented their petition to the legislature, praying to be incorporated by the name of the Union Insurance Company, for the purpose of insuring marine risks and lives and granting annuities : Therefore,

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly*, That James Boyd, junior, Belthazar P. Melick, Samuel A. Lawrence, Robert Benson, junior, and their associates, and all such persons as shall hereafter become stockholders in the said company, shall be and hereby are declared to be a body corporate and politic, in fact and in name, by the name of "The Union Insurance Company," and by that name they and their successors shall and may have continual succession, and shall be capable in law of suing and being sued, impleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever ; and that they and their successors may have a common seal, and may change and alter the same at their pleasure, and this act shall continue in force until the year of our Lord one thousand eight hundred and forty, except so much thereof as relates to the powers and privileges therein granted, to grant annuities and to make insurance on a life or lives, or in any manner dependent upon a life or lives.

II. *And be it further enacted*, That the corporation hereby created, shall have full power and authority to insure all kinds of property, to make insurance upon vessels, goods, wares and merchandise, freight, bottomry, respondentia, interest and all other marine risks ; and also to lend money on bottomry and respondentia, and also to make insurance upon life or lives, or in any manner dependent upon life or lives, and also to grant annuities for a life or lives, or for a term dependent upon a life or lives, and also to do and perform all necessary matters and things connected with those objects or any of them ; and they may also cause themselves to be insured against maritime risks upon the interest which they may have in any vessels, goods or merchandise, in virtue of any such loans on bottomry and respondentia.

Stock.

III. *And be it further enacted*, That the capital stock of the said company shall be five hundred thousand dollars, to be divided into shares of fifty dollars each ; but it shall nevertheless be lawful for the said corporation, when and so soon as two hundred and fifty thousand dollars of the said capital stock shall have been subscribed and paid for, to commence their said business, and with that capital to conduct and carry it on until they shall find it expedient to extend their capital, which they are authorised to do from time to time to the amount herein before authorised.

concerns how
to be managed

IV. *And be it further enacted*, That the stock and affairs of the said corporation shall be managed and conducted by seventeen directors, each of whom shall be a stockholder to the amount of at least fifty shares, a citizen of the United States and a resident within this state ; they shall be elected on the second Monday in January in each and every year, at such time of the day, and at such place in the city of New-York, as the board of directors for the time being shall appoint ; and shall hold their offices for one year and until others shall be chosen to supply their place and no longer ; and notice of the time and place of such annual election, shall be published daily for the space of one week next preceding the same, in at least two of the public newspapers printed in the said city ; and every such election shall be held under the inspection of three or more stockholders in the said company not being directors, to be previously appointed for that purpose by the board of directors, and shall be made by ballot by a plurality of the votes of the stockholders present, allowing one vote for every share ; and stockholders not personally present, being citizens of the United States, may vote by proxy, such proxy being granted directly to the person representing them at such election ; and the first directors of the said corporation shall be Samuel A. Lawrence, Peter Schermerhorn, junior, Charles King, John Jones, Robert Benson, junior, Joseph Smith, James Renwick, James Boyd, junior, Jeremiah Thompson, Belthazar P. Melick, John Oothout, James Boorman, James G. Pearson, John Richard, Henry Major, Charles Rhind and Henry Thomas, who shall continue in office until the second Monday in January, in the year one thousand eight hundred and twenty.

First directors.

President.

Assistant.

V. *And be it further enacted*, That the directors herein before named, shall as soon as may be after the passing of this act, and the directors to be chosen at such annual elections, shall as soon as may be after every election, proceed to choose out of their body one person to be president, and one other person to be assistant ; which president, or in case of his death, resignation or absence, the assistant, shall preside until the next annual election thereafter, or until another president shall be chosen ; and in case of the death or resignation of the president, assistant, or any director, such vacancy or vacancy may be filled for the remainder of the year wherein they may happen, by the board of directors ; and in case of the absence of the president and assistant, the board of directors shall have power to appoint a president pro tempore, who shall have and exercise such powers and functions as the by-laws of the said corporation may provide.

VI. *And be it further enacted*, That in case it should at any time

happen that an election of directors should not be made on any day when pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved; but it shall and may be lawful on any other day, to hold and make an election of directors in such manner as shall have been regulated by the by-laws and ordinances of the said corporation.

Election may be made on any day.

VII. *And be it further enacted,* That the stock of the said company shall be assignable and transferable, according to such rules and subject to such restrictions as the board of directors shall from time to time make and establish, and shall be considered personal property.

Stock shall be assignable

VIII. *And be it further enacted,* That the major part of the directors of the said company, shall constitute a board, and be competent to the transaction of all the business of the corporation; and they shall have power, if done in pursuance of a by-law of the said corporation, to appoint from their own body one or more person or persons to act or assist in the conducting or management of their business, with such salaries and allowances as they may think proper; also to appoint a secretary and so many clerks and servants for carrying on their business, as they shall deem expedient; and they shall also have power to declare and make dividends of the profits resulting from the business of the said company, and to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property, and estate and effects of the company, the duties, powers and conduct of its officers and servants, the election of directors, the transfer of shares, the management and conducting of its business, and all matters appertaining thereto: *Provided,* such by-laws, rules and regulations shall not be repugnant to the constitution and laws of this state, or of the United States.

Powers of the directors.

Provided.

IX. *And be it further enacted,* That it shall and may be lawful to and for the said corporation, to set apart and appropriate the sum of one hundred thousand dollars, part of the said capital stock, and which sum or fund may be further increased from time to time by appropriations thereto, by the order of the said corporation, of any further shares of the capital stock of the said company at any time remaining unsubscribed for, to a sum not exceeding in the whole two hundred and fifty thousand dollars; and the whole of the said annuity fund created by this act, shall be invested in real estate by loans upon bonds, to be secured by mortgages upon real estate within this state, of the value of at least fifty per cent. more than the sum or sums loaned thereon, and in no other way whatever, to be exclusively held and pledged as a fund for the payment of annuities which shall be granted by the said company, and of losses upon insurances for a life or lives, or in any way dependent on life or lives, and shall in no case be liable for the other debts, contracts, liabilities and engagements of the said company; that the said fund shall be denominated the annuity fund, and all investments of the said capital of one hundred thousand dollars, and of the additional appropriations thereto, and of all accumulations in respect thereof, or arising from the income thereof, or from insurances upon life or lives, or from the granting of annuities and all expenses, payments and losses

annuity fund

in respect of such insurance upon life or lives, or dependent thereon; and the granting of such annuities shall be kept in a separate and distinct account; and all such investments and all securities taken by the said company, shall contain therein and be expressed to be on account of the said annuity fund; and such fund and accumulations thereof, shall be alone liable to pay, bear and satisfy all losses, expenses, payments and charges in respect to insurances on life or lives, or in any manner dependent on life or lives and annuities, which shall be granted by the company.

X. And be it further enacted. That it shall be lawful for the said corporation to purchase and hold such and so much real estate, as shall be necessary and convenient for the transaction of its business; and also to take and hold any real estate or securities bona fide mortgaged or pledged to the said corporation, either to secure the payment of the shares of the capital stock, or to secure the payment of any debt that may be due to it; and also to purchase on sales made by virtue of any judgment at law, or any order or decree of a court of equity or otherwise, to receive and take any real estate in payment or towards satisfaction of any debt previously contracted and due to the said corporation, and to hold the same until they can conveniently sell and convert the same into money or other personal property: *Provided always*, that it shall not be lawful for the said corporation to deal or use, or employ any part of their stock, funds or monies in buying or selling any goods, wares, merchandise or commodities whatsoever, or in the trade, or business of an exchange or stock broker, or in the purchase or sale of any stock or funded debt whatsoever, created or to be created by or under any act of the United States, or of any particular state, nor to emit any notes or bills, or make any contract for the payment of money, only except under the seal of the said corporation; and all such notes and contracts shall, to all intents and purposes, be taken to operate as specialties at law; but that it shall nevertheless be lawful for the said corporation to purchase and hold any such stock or funded debt, as last aforesaid, for the purpose of vesting any part of their capital stock, funds or monies therein, instead of investing the same in and upon any real security; and also to sell and transfer the same, and again invest the same, or any part thereof, in such stock or funds whenever and as often as the exigencies of the said corporation, or a due regard to the safety of its funds shall require; and also to make loans of its capital stock or funds on bonds and mortgages or personal security, and the same to call in and reloan on like security as the occasion may require: *Provided*, that nothing contained in any part of this act, shall be construed to authorise the said corporation to use or enjoy any banking powers or privileges whatsoever.

XI. And be it further enacted, That all policies of insurance, grants of annuities and other contracts which shall be made or entered into by the said corporation, may be made either under or without the seal thereof, and shall be subscribed by the president or such other officer as shall be designated for that purpose, by the by-laws of the said corporation, and attested by the secretary; and being so signed, executed and attested, shall be binding and obligatory

upon the said corporation, according to the tenor, intent and meaning of this act; and of such policies and contracts, and all such policies and contracts, may be so made, signed, executed and attested, and the business of the said corporation may be otherwise conducted, and carried on, without the presence of a board of directors, by the president and assistant, or by either of them with a director, or by a committee to be appointed for such purposes; and the acts of such president and assistant, or by either of them with a director, or of such committee, if done under or in conformity to the by-laws of the said corporation, shall be binding and obligatory on it to all intents and purposes.

XII. *And be it further enacted*, That this act shall be and is hereby declared to be a public act, and that the same be construed in all courts and places benignly and favorably for every beneficial purpose herein intended.

This is a public act.

LXXIX.

AN ACT to incorporate a fire company, in the village in the town of Rome, in the county of Onrida.

Passed April 3, 1818.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly*, That it shall be lawful for Joel Hayes, and all such persons residing in said village, as have associated and may associate with him, (not exceeding twenty in number) for the purpose of procuring one or more engines and other implements for extinguishing fires in said village, to meet together on the first Monday of May next, and choose not less than three, nor more than five of their number to be trustees, to be called the "Rome fire company," who shall be a body corporate; and shall have perpetual succession, and by that name be capable of suing and being sued in all courts and places, in all manner of actions; and may take, hold and convey property, real and personal, necessary for the purpose of extinguishing fires, and the preservation of the engines, tools and implements of said company.

II *And be it further enacted*, That the said trustees, and their successors, or a majority of them, shall have full power and authority to nominate and appoint a sufficient number of firemen, (willing to accept) not exceeding twenty, to manage the engines and all the implements aforesaid; and who shall be ready at all times to assist in extinguishing fires, and be exempt from ordinary militia duty, and serving as jurors; and that said trustees, or a majority of them, shall have power, from time to time, to remove any firemen so appointed, and appoint others in their stead, when and as often as they shall think proper; to establish and ordain rules for the government, duty and behavior of the firemen, and for regulating the times, places and manner of holding their future annual meetings; to appoint a clerk from time to time, who shall make entries in a book, to be by him kept of the names, of the names of the firemen,

and the proceedings of the trustees, and of the annual meetings ; and to establish reasonable fines, to be paid by the firemen (not exceeding five dollars for one offence) for violating such rules, which fines may be recovered by either of said firemen, in his own name, before any justice of the peace of said county, and shall be paid to said trustees, and be by them appropriated in procuring and repairing implements for said company.

III. *And be it further enacted*, That said trustees shall be chosen by the firemen, pursuant to such rules, and shall hold their offices till others shall be chosen in their stead : *And further*, that this act shall be considered a public act, may be altered, amended, or repealed, at any time by the legislature.

CHAP. LXXX.

AN ACT for the relief of Bethyah Child.

Passed April 3, 1818.

WHEREAS it is represented to the legislature, that John P. Child, deceased, late of Cazenovia, in the county of Madison, husband of the said Bethyah Child, at the time of his death, was the owner of real and personal property : *And whereas* the said John P. Child died without any lawful issue or heir at law : Therefore,

Be it enacted by the people of the state of New York, represented in senate and assembly, That all the right, title and interest of the people of this state, of, in and to the real and personal property owned by the said John P. Child, at the time of his death, be and the same hereby is vested in Bethyah Child, the widow of the said John P. Child, her heirs and assigns forever.

CHAP. LXXXI.

AN ACT authorising Samuel Erwin, to erect a dam across the Conhoc'on creek, in the county of Steuben.

Passed April 3, 1818.

Be it enacted by the people of the state of New York, represented in senate and assembly, That Samuel Erwin be, and he is hereby authorised to erect a dam across the Conhoc'on creek, at or near the head of his saw mill race, in the town of Painted Post, in the county of Steuben, for the use of his said mill ; which dam, when so erected, shall not exceed eighteen inches above the bed of the creek : *Provided*, the said Samuel Erwin, his heirs or assigns, shall at all times hereafter keep in repair a safe and easy passage for all boats, arks and rafts, common on said creek, and whenever he or they shall neglect so to keep in repair such passage, this act shall, with its provisions, become void.

CHAP. LXXXII.

AN ACT *relative to lot number twenty-eight, in the Freemason's patent.*

Passed April 3, 1818.

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That if Zadock Rider, Peleg Brown, Ethel Judd, Roland Stiles, Anthony Rodes, Samuel Rider and John Porter, occupants of lot number twenty-eight, in Freemason's patent, forfeited by the attainder of John Weatherhead, shall, within nine months from the passing of this act, pay into the treasury of this state, the one sixth part of the consideration, for the land by them respectively occupied in the lot aforesaid, and respectively execute a mortgage to the people of this state, for the residue, payable eight years thereafter, with interest annually, at the rate of six per centum per annum, the surveyor general shall give a conveyance for such land, in the manner prescribed by law; and the consideration for such land shall be the sum at which the same was valued by the appraisement made by Evens Wharry and John Meyer, and filed in the surveyor general's office, on the twenty-sixth day of June, one thousand eight hundred and four, with interest thereon, at the rate aforesaid, to be computed only from the time of passing this act.

CHAP. LXXXIII.

AN ACT *to appoint commissioners to lay out a road from the town of Troupsburg, thro'gh the town of Addison, to the village of Bath, in the town of Bath, in the county of Steuben.*

Passed April 3, 1818.

I. Be it enacted by the People of the State of New-York, represented in senate and assembly, That John Whiting, Samuel Colgrove and Christopher Hurlbut, senior, or any two of them, be and they are hereby appointed commissioners to lay out a public highway of the width of four rods, beginning at such place in Troupsburg, in the line of the old state road, as the said commissioners shall deem most proper; thence by the most eligible route through the town of Addison, to the village of Bath, in the town of Bath, in the county of Steuben.

II. And be it further enacted, That the said commissioners, before they enter upon the duties aforesaid, shall take and subscribe an oath before one of the judges of the county of Steuben, to lay out said road without favor or partiality, and they shall after laying out said road, cause to be made an accurate map of said road, and cause the same with the field notes of the survey to be filed in the clerk's office of the county of Steuben; and shall also cause a like map and field notes of so much of said road as shall fall within each town through which said road shall run, to be filed in the clerk's office of such towns respectively; and if the said road shall be laid

through any improved lands, the damages shall be appraised and paid, and the road opened and improved, in the manner prescribed by the act to regulate highways, and the commissioners and their surveyor shall be allowed each two dollars per day for each day they shall be necessarily employed in the duties aforesaid.

III. *And be it further enacted*, That it shall be the duty of the supervisors of the county of Steuben, at their annual meeting on the first Tuesday of October next, to levy and raise by tax on the freeholders and inhabitants of the towns of Troupsburg, Addison and Bath, in said county, in due proportion, having regard to the amount of the respective assessment rolls of the said several towns, the sum of six hundred dollars, and at their annual meeting on the first Tuesday of October, in the year one thousand eight hundred and nineteen, the further sum of six hundred dollars, and at their annual meeting on the first Tuesday of October, in the year one thousand eight hundred and twenty, the further sum of six hundred dollars, over and above the ordinary expenses of collecting the same; which several sums may be drawn from the treasurer of said county, upon the order of the said John Whiting, Samuel Colgrove and Christopher Hurlbut, senior, or any two of them, who are hereby appointed commissioners for laying out the same, after deducting the cost of laying out and surveying the said road.

IV. *And be it further enacted*, That previous to the payment of the said several sums of money, or any part thereof, to the said commissioners, they shall give to the treasurer of the county of Steuben, sufficient security that they will faithfully expend the same, and account to the supervisors of Troupsburg, Addison and Bath.

V. *And be it further enacted*, That each of the commissioners appointed by this act to superintend the opening and making of said road, shall be allowed two dollars per day for each and every day that he may be necessarily employed.

CHAP. LXXXIV.

AN ACT to authorise the supervisors of the county of Jefferson, to raise money by tax, for the purposes therein mentioned.

Passed April 3, 1818.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly*, That it shall be the duty of the supervisors of the county of Jefferson, at their next annual meeting, to levy and raise by tax on the inhabitants and freeholders of the town of Watertown, in the county of Jefferson, in manner prescribed by law for the assessment and collection of taxes, the sum of five hundred dollars, to be paid over by the collector to Henry Calhoun, Henry H. Coffen and Andrew Newell, who are hereby appointed commissioners for the purpose of applying the same towards the rebuilding of the bridge across the Black river, near the court-house in the said town of Watertown; and also, it shall be the duty of the aforesaid supervisors, at their next annual meeting, to levy and raise by tax on the inhabitants and freeholders of the town of

Brownville, in the county aforesaid, in manner prescribed by law for the assessment and collection of taxes, the sum of two thousand dollars, to be paid over by the collector of the town of Brownville to John Brown, Thomas Loomis and Joseph Clark, who are hereby appointed commissioners for the purpose of applying the same, in equal proportions, towards the rebuilding the two bridges across the Black river, which connect the town of Brownville with the towns of Watertown and Hounsfield; and also, it shall be the duty of the aforesaid supervisors of the county of Jefferson, at their next annual meeting, to levy and raise by tax on the freeholders and inhabitants of the town of Hounsfield, in said county, in manner prescribed by law for the assessment and collection of taxes, the sum of five hundred dollars, to be paid over to Ebenezer Allen, Hiram Steele and William M. Lord, who are hereby appointed commissioners for the purpose of applying the same towards the rebuilding the bridge which connects the town of Hounsfield with the town of Brownville.

CHAP. LXXXV.

AN ACT *to revive an act, entitled "an act for laying out and improving certain roads in the county of St. Lawrence."*

Passed April 3, 1818.

WHEREAS it appears from the report of the commissioners under said act, that from certain unexpected occurrences the operation of said law is now suspended, although partially carried into effect, as well in behalf of the state as many individuals: Therefore,

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly.* That the said act be revived and continued in full force, and that the board of supervisors of said county be hereby required, at their next annual meeting, to issue their warrants for the collection of the taxes assessed or to be assessed for the purposes of laying out and improving said roads, in the same manner as provided for in the said act; until which time, the persons assessed for making said roads, are authorised to work out their respective assessments as contemplated in said act.

II. *And be it further enacted,* That the said commissioners, previous to the meeting aforesaid of the said board of supervisors, be hereby authorised and empowered to review their proceedings, and make such alterations therein, on the suggestions of those concerned, as may be more conducive to their interests, and not inconsistent with the public good, or inconsistent with the provisions of the act hereby amended.

III. *And be it further enacted,* That the compensation to be allowed the collectors for the collection of said taxes, be fixed at the rate of two and a half per cent. upon all monies actually received and paid over by them in relation to said assessments.

AN ACT to incorporate the Pawlings and Beekman Turnpike Company.

Passed April 3, 1818.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly,* That Albro Aikin, John Merret, Gideon Slocum, Job Crawford, Charles Hurd, William Taber, Joseph Dodge, Benoni Pierce, Archibald Campbell, Joseph Arnold, Egbert Carey, Gabriel L. Vanderburgh, Newell Dodge, junior, and such other persons as shall associate for the purpose of making a good and sufficient turnpike road in Dutchess county, to commence at or near the house of Joseph Arnold, in the town of Pawlings, and to run westwardly, across the mountain to or near the house of Nathan Miller junior, in the town of Beekman, be and hereby are created, ordained and constituted a body corporate and politic, by the name of the president and directors of the Pawlings and Beekman turnpike company; and that by that name they shall and may have perpetual succession, and shall be and are hereby made capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places whatsoever; and shall make and use a common seal, and may alter the same at pleasure; and they are hereby made capable in law of purchasing, holding and conveying any estate, real and personal, for the benefit of said company: *Provided*, that such estate, as well real as personal, so to be purchased and held, shall be necessary to fulfil the end and intent of the said corporation, and to no other purpose whatever.

II. *And be it further enacted*, That the stock of the said company shall consist of three hundred shares of twenty-five dollars each, and that Albro Aikin, Egbert Carey, George W. Slocum and Newell Dodge, junior, be and they are hereby appointed commissioners to receive subscriptions for said stock, in the manner directed in and by the act, entitled "an act relative to turnpike companies," passed the 13th day of March, 1807.

III. *And be it further enacted*, That the said company, hereby incorporated, shall have power to erect one turnpike gate, in the most convenient and eligible situation thereon, and to exact, demand and receive at said gate, from any person travelling on, or using said road, the following sums of money. to wit: for any waggon drawn by two horses, twelve and an half cents; for every additional horse, three cents; for every one horse cart, six cents; for every coach, four wheeled pleasure carriage or waggon, with two horses, twenty-five cents, and for every additional horse, six cents; for every chair or pleasure carriage, with one horse, twelve and an half cents, and for every additional horse, six cents; for every cart, drawn by two oxen, six cents, and for every additional yoke, three cents; and for every sleigh or sled, drawn by two horses or oxen, six cents, and for every additional horse or ox, two cents; for every one horse sleigh or sled, six cents; for every horse and rider, or led horse, three cents; for every score of sheep, three cents; for

every score of hogs, three cents; for every score of cattle, nine cents; and so in proportion for any greater or less number of sheep, hogs or cattle.

IV. *And be it further enacted*, That the number of directors for the said company, shall be seven, four of whom shall form a quorum; and the company hereby incorporated shall enjoy all the privileges and rights, and be subject to all the pains and penalties, contained and expressed in and by the act aforesaid, except only as it respects the chord of the arch of said road, which shall be not less than twenty feet wide, any thing in the said act relative to turnpike companies to the contrary notwithstanding.

CHAP. LXXXVII.

AN ACT to amend an act, to authorise the trustees of the Schenectady manufacturing company, to increase their capital stock, and for other purposes," passed March 4, 1814.

Passed April 3, 1818.

WHEREAS the Schenectady manufacturing company have, on their premises near the head of the water privilege on which their cotton manufactory is erected, and above the same, a grist mill, which cannot be disposed of without hazard to said company: Therefore,

Be it enacted by the People of the State of New-York, represented in senate and assembly, That it shall and may be lawful for the said Schenectady manufacturing company, to hold the said grist mill as part of the property of said company, and make use of so much of the funds of said company in keeping the same in operation, in connection with the other manufacturing operations, as the said company may deem necessary; any thing contained in the act hereby amended to the contrary notwithstanding.

CHAP. LXXXVIII.

AN ACT relative to the courts of common pleas and general sessions of the peace in and for the county of Cayuga.

Passed April 3, 1818.

Be it enacted by the people of the state of New-York, represented in senate and assembly, That from and after the next May term of the court of common pleas and general sessions of the peace in and for the county of Cayuga, the said courts shall be held on the first Monday of July, and second Monday of October, and on the third Mondays of January and April, in each and every year; and that the said courts may be continued to be held from the time of the commencement thereof, until and including the Saturday thereafter in each term.

AN ACT to preserve the Salmon fishery in certain waters.

Passed April 3, 1813.

In Salmon
river.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly,* That it shall not be lawful for any person to draw or set any net or seine, or make any wier or other obstruction, in that part of lake Ontario, or in any of the waters thereof, within two miles of the mouth of Salmon river, in the town of Richland, whereby the salmon may be diverted from their usual course, at any time between the first day of August and the first day of November, in each and every year; nor shall it be lawful for any person to fish for salmon with any spear or any other instrument in the waters of Salmon river aforesaid, between sunset on Saturday evening and sunrise on Monday morning; between sunrise on Tuesday morning and sunrise on Wednesday morning; between sunrise on Thursday morning and sunrise on Friday morning, in any week between the aforesaid first day of August and the first day of November, in any year; and each and every person offending herein, shall for each and every such offence forfeit twenty-five dollars, to be recovered with costs of suit by action of debt, in any court having cognizance thereof; the one half of which, when recovered, shall be paid to the prosecutor, and the other half to the overseers of the poor of the town where such recovery shall be had, for the use of the poor thereof.

A fish inspec-
tor to be ap-
pointed for
Richland and
Orwell.

II. *And be it further enacted,* That it shall and may be lawful for the person administering the government of this state, for the time being, by and with the advice and consent of the council of appointment, to appoint a fish inspector for each of the towns of Richland and Orwell; and such inspectors shall receive the same fees and be subject to the same penalties, as prescribed by the act, entitled "an act for the inspection of fish," passed the 26th day of March, 1813; and every person who shall sell or offer for sale any salted or pickled salmon without inspection as aforesaid, caught in either of the aforesaid towns of Richland and Orwell, shall forfeit the sum of ten dollars for every barrel, and five dollars for every half barrel; to be recovered with costs of suit by action of debt, in any court having cognizance thereof; the one half of which, when recovered, shall be paid to the prosecutor, and the other half to the overseers of the poor of the town where such recovery shall be had, for the use of the poor thereof.

Oneida lake
Sec.

III. *And be it further enacted,* That it shall not be lawful for any person to draw or set any net or seine, or make any wier or other obstruction, in that part of Oneida lake, or any of the waters thereof, easterly of a direct line to be drawn from the dwelling house of Noah Weilhams, near north-bay brook, to the westerly bank of the mouth of the Oneida creek, running into said lake, or in fish creek or Wood creek, or any of the branches thereof, running into said lake, whereby the salmon may be diverted or prevented from pursuing their usual course at any time between the fifteenth day of May and the first day of December, in each year; nor shall it be

lawful to fish for salmon with any spear or other instrument in any of the places or creeks aforesaid, between sunrise on Saturday and sunrise on Monday; between sunrise on Tuesday and sunrise on Wednesday, or between sunrise on Thursday and sunrise on Friday, in any week between the said fifteenth day of May and the first day of December, in any year; and each and every person offending herein, shall for each and every such offence, forfeit twenty-five dollars, to be recovered with costs of suit by action of debt, in any court having cognizance thereof; the one half of which, when recovered, shall be paid to the prosecutor, and the other half to the overseers of the poor of the town where such recovery shall be had, for the use of the poor thereof.

CHAP. XC.

AN ACT in addition to "an act, to amend an act, to incorporate the Highland turnpike company," passed April 14: 1815.

Passed April 3, 1818.

WHEREAS by the second section of the act hereby amended, it is provided, that it shall and may be lawful for each and every person residing upon the turnpike road, in any town intersected thereby, and liable to be assessed, to work upon highways, in such towns, to elect to work upon the said turnpike road, and to notify such election to the commissioners of highways in such towns whose duty it shall be to assess them in like manner as the other inhabitants, and to deliver such assessment to the president and directors of the said company; but as it makes no provision for their making returns, and to account to the commissioners of highways, for the labor so assessed: Therefore,

Preamble:

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly,* That all persons who shall notify their election to work on the Highland turnpike road, agreeable to the provision of the second section of the act hereby amended, to the commissioners of highways of the towns through which said turnpike runs; it shall be the duty of the said commissioners to unite such persons, so electing, in one or more companies, and to divide the said turnpike road, running through such town, into one or more districts; and the said commissioners shall select one suitable person from each of the said companies, who shall by them be designated as overseer of said road district, to whom the commissioners shall cause to be delivered the said road list assessed by them; who shall possess the powers, and perform the duties hereafter provided, and who shall be entitled to receive from the said president and directors of said turnpike company, one dollar per day, for every day he shall superintend and work on said road, more than the days assessed for him to work.

II. *And be it further enacted,* That the said overseers shall have the same powers, and shall perform the same duties, make the same returns to the commissioners of highways, as are given to and required by the overseers of the public highways, in and by the act for regulating highways, passed the nineteenth day of March, 1813.

III. *And be it further enacted*, That the said commissioners shall assess the number of days to be worked by the persons so electing, to work on the said turnpike road, the same, and no more, than if the persons were to perform their work on the public highways.

CHAP. XCI.

AN ACT to erect part of the towns of Claverack Kinderhook and Chatham, in the county of Columbia, into a separate town.

Passed April 3, 1818.

Ghent erect-
ed.

I *Be it enacted by the people of the state of New-York, represented in senate and assembly*, That from and after the passing of this act, such parts of the towns of Claverack, Kinderhook and Chatham, as are contained in the following bounds, to wit: beginning at the northwest corner of the town of Hillsdale, and running from thence southerly along the division line between the towns of Claverack and Hillsdale, to the road opposite the cooper's shop of Solomon Strong; thence westerly with a straight line to Claverack creek, at a place eleven chains and fifty links to the south of the bridge over the said creek, near where the house of the late Peter Van Rensselaer stood; thence down the creek to where the same intersects the Kinderhook creek; thence up the said Kinderhook creek, twenty-eight chains above the great falls commonly called Major Abraham's falls; thence easterly to the Klinekill creek, near the house of William Waggoner; thence along the north end of the house of the said Waggoner, south seventy-five degrees and twenty-one minutes east, until it intersects a line running from the northwest corner of Hillsdale north fourteen and an half degrees east, to the place of beginning, shall be and remain a separate town, by the name of Ghent; and the first town meeting, in said town of Ghent, shall be held at the dwelling house of Seth Mix, at the time of holding annual town meetings, in said county; and all the remaining parts of the said towns of Claverack, Kinderhook and Chatham, shall be and remain separate towns, by the names of Claverack, Kinderhook and Chatham.

Poor and
money to be
divided.

II. *And be it further enacted*, That as soon as may be, after the first town meeting, the supervisors and overseers of the poor of the said towns of Claverack, Kinderhook, Chatham and Ghent, shall meet together and divide the money and poor belonging to the said towns, previous to the division thereof, agreeable to the last tax lists, and that each of the said towns shall forever thereafter respectively support their own poor.

Supervisors
to settle any
difference.

III. *And be it further enacted*, That in case the supervisors and overseers of the poor of the said several towns, cannot agree about the division of the said poor, the same shall be settled by the supervisors of the other towns in the said county, at their next annual meeting.

IV. *And be it further enacted*, That it shall be lawful for the

town officers, elected in the said several towns of Claverack, Kinderhook and Chatham, who reside within the limits of the town of Ghent, to do and perform all the duties appertaining to their offices respectively, in the same manner as if this act had not passed, until the next annual town meeting.

Officers continued.

V. *And be it further enacted*, That it shall be the duty of the board of supervisors of the county of Columbia, at their next session, to appoint three respectable freeholders, being respectively inhabitants of the said county, not residing in either of the said towns of Kinderhook, Claverack and Chatham, or the town hereby erected, whose duty it shall be to examine into the number, state and extent of the bridges within the territory now constituting the towns of Chatham, Claverack and Kinderhook; and if they shall be of opinion that the burthens of the said towns and the town hereby created, arising from the support of the said bridges are unequal, that then in such case, it shall be the duty of the commissioners to equalize the said bridges among the said several towns, particularly designating the same, and by which town they are thereafter to be supported, and to make return of their proceedings at the next court of common pleas of the said county, after the same shall have been completed, who may at the instance of either party, in their judgment, re-examine the same, and affirm or alter the decision of the said commissioners, and the decision of the said court shall be final and conclusive; and that it shall be the duty of the several towns to support the said bridges with the support of which they shall be thus charged: *Provided*, that no judge residing in either of the towns affected by this act, shall sit in judgment on any questions growing out of this act, nor shall the supervisors of the said respective towns, interested in this act, be entitled to vote on the appointment of the commissioners directed by this section to be made.

Estimate to be made for the repair of bridge.

VI. *And be it further enacted*, That the inhabitants of the town hereby erected residing in that part of the said town taken from the said town of Kinderhook, shall pay their proportion of the debts of the said town of Kinderhook, incurred for the support and erection of bridges, and for the support and maintenance of the poor, (deducting therefrom the value of the public property of the said town except bridges) to be assessed and collected in the same manner as if this act had not been passed.

Ghent to pay its proportion of expenses.

CHAP. XCII.

AN ACT authorising the supervisors of the county of Ulster to raise a sum of money for the purposes therein mentioned.

Passed April 3, 1818.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly*. That the supervisors of the county of Ulster, at their next annual meeting, cause to be assessed, levied and collected, on and from the freeholders and inhabitants of the town of Kingston, in the county of Ulster, in the same manner as

Certain monies to be raised.

the other contingent charges of said town are, by law, directed to be levied and collected, the sum of two thousand dollars in addition to the sum which they are, by law, authorised to levy and collect for the improvement of roads and bridges in said town. for the purpose of building a bridge over the Esopus creek in said town, near the village of Kingston, on the site of the former bridge. and where the Ulster and Delaware turnpike road crosses said creek ; and that the collector of said town pay the said sum of two thousand dollars to the treasurer of the said county of Ulster.

Deficiency
how raised.

II. *And be it further enacted*, That it shall be the further duty of the supervisors of the said county, and they are hereby required in case the said sum of two thousand dollars shall not be sufficient to defray the expenses of building said bridge, to raise in like manner, at their meeting next after their notification of the deficiency, the further sum of five hundred dollars for the completion of said bridge.

Commission-
ers appoint-
ed for certain
purposes.

III. *And be it further enacted*, That George Eddy, Henry H. Schoonmaker and Johannes M. Van Keuren, shall be the commissioners to superintend the building of said bridge ; each of whom shall receive for every day of his actual employment as such commissioner, the sum of two dollars, to be retained out of the money hereby authorised to be raised ; and before the said commissioners, or either of them, shall enter upon the duties of their office, or receive the said sum of money from the treasurer, they shall deposit with the supervisor of the said town of Kingston, for the benefit of said town, their joint and several bond to be executed to the people of the state of New-York, with such surety or sureties as the supervisor of said town of Kingston shall approve, in the penal sum of five thousand dollars, conditioned for the due performance of their duties, and the faithful expenditure of all monies which shall or may come to their or either of their hands, for the purposes aforesaid ; and it shall be the duty of the said commissioners, before the last Tuesday of February next, after the passing of this act, to account with the supervisor of the said town of Kingston, for all monies by them received and expended in the performance of their duties as such commissioners.

May contract
for bridge.

IV. *And be it further enacted*, That it shall and may be lawful for the said commissioners, or any two of them, to contract for the erection and building of said bridge, upon such terms, and in such manner, as to them shall seem proper : *Provided however*, that the said bridge be complete and finished by the first day of January next after the passing of this act.

CHAP. XCIII.

AN ACT to amend an act, entitled " an act for the benefit of the St. Regis Indians," passed March 26, 1802, and for other purposes.

Passed April 3, 1818.

Be it enacted by the People of the State of New-York, represented in senate and assembly, That in consequence of the death of

two of the trustees named in the act of the twenty-sixth of March, one thousand eight hundred and two, for the benefit of the St. Regis Indians, Peter Tarbell and Jacob Francis, chiefs of said tribe, be and they are hereby appointed trustees for said tribe, to act with the surviving trustee, Lorau Tarbell.

CHAP. XCIV.

AN ACT to extend the jurisdiction of Justices of the Peace.

Passed April 10, 1818.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly,* That all actions of debt, detinue, covenant, trespass on the case, and trespass, including trespass on any lands or other real estate wherein the balance due, or damages or thing demanded, shall exceed twenty-five dollars, and not exceed fifty dollars; and all sums of money over twenty-five dollars, and not exceeding fifty dollars, to be sued for and recovered in any court of record, by virtue of any statute of this state, as well by and of executors and administrators as others, and as well against attornies and other officers of any court of justice of this state (except during the sitting of such court) as others, shall be cognizable before any justice of the peace of any city or county; and every such justice is hereby authorized to hold a court for the trial of all such actions, and to hear, try and determine the same according to law and equity, and is hereby vested with all such powers for the purpose aforesaid, as is usual in courts of record in this state, and shall sign all process to be issued by him: *Provided always,* That no justice of the peace shall have cognizance of any action wherein the people of this state shall be concerned, or where the title of land shall in any wise come in question, except as aforesaid; nor of any action of assault and battery, or imprisonment or of slander, or malicious prosecution, nor of matters of account where the sum total of the accounts of both parties, proved to the satisfaction of the justice, shall in the whole amount to four hundred dollars, nor of any action to be brought against an executor or administrator, for any debt or demand due from the estate of any testator or intestate.

Jurisdiction of the Justices in certain civil cases.

Provide.

II. *And be it further enacted,* That in every case where the balance found due to the defendant, in any action brought by virtue of this act, shall exceed the sum of fifty dollars, the justice shall enter judgment against the plaintiff for costs, and the defendant shall not be precluded from recovering the same account or demand against the plaintiff in any court having cognizance of the same.

Where balance due defendant exceeds fifty dollars.

III. *And be it further enacted,* That no defendant in any action brought by virtue of this act, shall be precluded from having any action against the plaintiff to recover his debt or demand, or any part thereof, provided the sum shall exceed fifty dollars, over and above all just set off the plaintiff may have against the defendant, exclusive of the judgment which the plaintiff may have obtained

(Defendant not precluded in certain cases of set off.

against the defendant, notwithstanding such defendant may have neglected to set off the same against the plaintiff before the justice of the peace, according to the provisions of the several sections of this act.

Sett off
when plead-
ble.

Forfeiture.

IV. *And be it further enacted*, That if the defendant in any action to be brought by virtue of this act, hath any account or demand against the plaintiff, other than debts secured by bond and mortgage, or in judgment, he may plead and set off the same against the debt or demand of the plaintiff; and if any defendant shall neglect or refuse so to do, such defendant shall forever thereafter be precluded from having any action against the plaintiff to recover the same, or any part thereof: *Provided*, That nothing herein contained shall authorise or require any defendant to set off any damages arising or accruing from any trespass done or committed by the plaintiff to the defendant, or any other demand, except such only as may arise on contract either express or implied by law.

Plaintiff to
pay costs in
certain cases.

V. *And be it further enacted*, That if the plaintiff, in any suit which may be brought in any court of record within this state, after the first day of June next, shall fail to recover a sum exceeding fifty dollars, he shall not recover any costs of the defendant: *Provided*, the suit so brought might have been commenced before a justice of the peace, by virtue of this act.

Judgments
by confession
to 100 dolls.

VI. *And be it further enacted*, That it shall be lawful for any justice of the peace within this state, to enter a judgment by confession of the defendant, in all cases where the judgment so confessed shall not exceed one hundred dollars, with such stay of execution as may be agreed on by the parties interested in said judgment.

Oath of plain-
tiff in that
case required

VII. *And be it further enacted*, That the defendant in any judgment to be entered by confession, before any justice of the peace, by virtue of the sixth section of this act, shall, before the entering the same, set forth the particular items of the demand, and make oath, that he is honestly and justly indebted to the plaintiff in the sum to be named in the said judgment, over and above all just demands which the defendant may have against him, and that the confession of judgment as aforesaid, is not to be made for the purpose of defrauding any creditor; and if the said defendant shall swear falsely in the premises, and shall be thereof duly convicted, he shall be liable to all the pains and penalties of perjury; and any judgment entered by confession as aforesaid, where the defendant shall not comply with the provisions of this section, shall be void.

Execution
when to issue

VIII. *And be it further enacted*, That no execution shall issue on any judgment given by virtue of this act, unless by consent of the parties, in less time than three calendar months from the time of entering the same: *Provided*, the defendant shall give a bond with security, to be approved of by the justice before whom such judgment shall be obtained, for the payment of the debt and costs, at the expiration of the said three months, or surrender the body in execution within thirty days thereafter.

IX. *And be it further enacted*, That it shall be the duty of any justice of the peace, on the demand of any person in whose favor a judgment shall have been entered by such justice, by virtue of

this act, to give a transcript of the same, together with the original bond of security for stay of execution, in case any such bond has been given, and the said transcript and bond may be filed in the office of the clerk of the county wherein such judgment shall have been obtained; and it shall be the duty of the said clerk, to file the transcript of the judgment and bond, and enter the judgment, in a book to be by him kept for that purpose, together with the time of his receiving the same; and any judgment so entered by the said clerk, shall, from and after the time of his receiving it as aforesaid, be a lien on real estate, to all intents and purposes, as if the said judgment had been rendered in the court of common pleas of the county where such judgment shall be given.

Transcript
&c. of judgment when to be given and how to operate as a lien on real estate.

X. *And be it further enacted*, That in case any judgment given by virtue of this act shall have been recorded by the clerk of the county as aforesaid, the execution thereon shall be issued by the said clerk, tested in the name of the justice before whom such judgment was obtained, and signed by such clerk, under the seal of his office, and directed to the sheriff of the said county, commanding him to levy the same on the goods and chattels, lands and tenements of the person against whom the judgment shall have been obtained, and make sale thereof according to law; and for want of goods and chattels, lands and tenements whereon to levy, to take the body of the defendant, and commit him to the gaol of the said county, there to remain until discharged by due course of law; and to make return of his proceedings thereon, within ninety days from the date thereof; and if the said sheriff shall neglect or refuse to make due return of the execution within the time therein specified, he shall be holden to pay the amount of the said execution, to be recovered by action of debt, with costs, by the person in whose favor such execution was granted, in which case execution shall issue, forthwith, against such sheriff.

Execution to be issued by the county clerk in certain cases.

XI. *And be it further enacted*, That the execution in any judgment rendered by virtue of this act, and not recorded in the office of the clerk of the county, shall be issued by the justice who may have rendered the same, and directed to a constable, to be returned in ninety days, who shall proceed to collect the amount thereof, in the manner now directed on executions issued by virtue of an act, entitled "an act for the recovery of debts to the value of twenty-five dollars," passed April 5, 1813, except that the said constable shall not be holden to pay the amount of the said execution, provided he shall levy the same within forty days from the time of his receiving the said execution.

Execution in other cases to be issued by the justice & constable when liable for neglect.

XII. *And be it further enacted*, That the form of proceedings under this act, shall be in all respects the same as under the aforesaid act, entitled "an act for the recovery of debts to the value of twenty-five dollars"; and all the provisions of the said act, and the amendments thereto, are hereby declared to apply to this act, except as herein otherwise directed, and no other or greater fees shall be allowed for performing services under this act, than are allowed under the aforesaid act, except as herein after mentioned.

Form of proceeding as under former act.

XIII. *And be it further enacted*, That the fees for services to be performed by virtue of this act, not now provided for by law,

shall be as follows : justices fees for taking a bond with security; twenty-five cents ; entering a judgment by confession, where the amount shall exceed fifty dollars, twenty-five cents ; transcript of a judgment, twenty-five cents : county clerk's fees : filing a transcript or bond, six cents ; recording a judgment, twelve and an half cents ; execution, twenty-five cents.

Proceedings where judgment by confession is supposed to be fraudulent.

XIV. *And be it further enacted*, That in any case where judgment shall be entered by confession, before any justice of the peace, by virtue of the sixth section of this act, it shall and may be lawful for any creditor of the defendant, if he supposes the said judgment to be fraudulent, to apply to any judge of the court of common pleas, in the county where such judgment shall be entered, who, upon sufficient cause shewn upon affidavit, may grant an order to stay all proceedings on such judgment until the further order of the said court of common pleas ; and it shall be lawful for the said court of common pleas to proceed and examine such allegation of fraud, and to make such order thereon, as if such judgment had originally been obtained in said court.

Confession of judgment to be signed &c

XV. *And be it further enacted* That no judgment shall be entered by confession, by virtue of the sixth section of this act, unless such confession shall be in writing, and signed by the defendant, which writing shall be filed with the said justice.

Seventh section of a certain act in force.

XVI. *And be it further enacted*, That nothing in this act contained shall in any manner affect the provisions of the seventh section of the act, entitled " an act concerning costs," passed April 12, 1813.

Appeals allowed, and regulated in certain cases

XVII. *And be it further enacted*, That in cases where issue shall be joined by the parties in any suit before a justice of the peace, under this act, and judgment shall be thereupon rendered, either upon verdict or without a jury trial, above the sum of twenty-five dollars, the party conceiving himself aggrieved by such judgment, may appeal to the court of common pleas, or mayor's court, to be held in and for the city or county in which the judgment shall be rendered ; that the party appealing shall, at the time of rendering such judgment, or within four days thereafter, serve the justice personally with a notice in writing, of such appeal, and which notice shall be signed by the party, his agent or attorney ; and it shall be sufficient to state therein, the title of the cause, and that the party appeals from the judgment rendered therein, to the court of common pleas, or mayor's court ; that at the time of giving such notice, the party appealing shall pay to the justice the costs of the suit, and also the sum of seventy-five cents for making and filing the return hereinafter mentioned ; and also execute and deliver to the justice, a bond to the opposite party, with one or more good and sufficient sureties to be approved of by the justice, to be signified by his approbation endorsed thereon, in double the amount of the judgment, and with a condition thereunder written, to prosecute the appeal with all due diligence to a decision in the court of common pleas, or mayor's court, and to pay the judgment, together with interest thereon, and costs of such appeal ; that no application shall be received, or be of any force or effect, unless made within the four days, and accompanied with the payment of the

costs, and the giving of the bond as aforesaid : and that the same, when duly made as aforesaid, shall be a supersedeas to any further proceedings on the judgment before the justice ; but if execution shall have been issued in the mean time, and delivered to the constable, a certificate from the justice, of the appeal having been made according to law, and a service of the same on the constable, shall stay any further proceedings on the execution in his hands, or release the body of such party, if taken in execution ; and if said party shall have been committed to the gaol on such execution, the like notice of appeal shall be served on the gaoler. whose duty it shall be to release the party so imprisoned, on the payment of legal fees, of the service of such execution, and the imprisonment.

XVIII. *And be it further enacted,* That after an appeal shall have been made as aforesaid, the justice as soon as conveniently may be, and not exceeding ten days thereafter, shall make a return to the court of common pleas or mayor's court, of the proceedings before him ; in which return it shall be the duty of the justice to state the title of the cause, the demands of the parties, the issue joined, the names of all the witnesses sworn and examined, and the names of any witnesses, if any were offered and rejected ; the names of the jury, if the trial was by jury, and the verdict and judgment rendered in the cause ; and every such return shall be signed by the justice, and he shall cause the same to be filed in the clerk's office of the city or county, together with the bond so taken by him, on or before the first day of the next term of the court of common pleas, or mayor's court, to be held in such city or county, after the expiration of the said ten days.

Justice return on appeal,

XIX. *And be it further enacted,* That when the court of common pleas or mayor's court shall be possessed of the cause, upon the filing of the return as aforesaid, they shall, upon the application of either party, and by rules adapted to the case, cause the parties to proceed with all reasonable diligence to the hearing of the cause, on the examination of the witnesses named in the return that were sworn and testified before the justice, unless they shall have been objected to, and illegally admitted, and of the witnesses offered and rejected, if the court shall think legal to admit them ; and the court, upon the default of either party, or upon hearing, as the case may be, shall proceed and give judgment according as the very right of the case shall appear, without regard to the previous trial had thereon.

Proceedings on appeal before common pleas or mayor's court.

XX. *And be it further enacted,* That if judgment shall be rendered on such appeal, in favor of the appellee, he may, at his election, have execution upon said judgment for the amount thereof, together with costs, as in other cases on judgments in the said court of common pleas or mayor's court. or, he may prosecute the bond given and filed as aforesaid, for the recovery of the amount of such judgment and costs ; but if the judgment shall be rendered in favor of the party appealing, then the party so appealing shall, in like manner, have execution thereof upon said judgment, with costs of such appeal to be taxed, including the costs that shall have been actually paid in the suit before the justice ; and the court shall direct the bond executed as aforesaid, to be delivered up and cancelled.

Execution Acc. regulated in judgments on appeal.

Remedy by
certiorari pro-
vided in cer-
tain cases.

XXI. *And be it further enacted*, That in cases where remedy by appeal is not provided for by this act, the party conceiving himself aggrieved, shall and may have his remedy by certiorari as heretofore, according to the provisions in the act, entitled "an act for the recovery of debts to the value of twenty-five dollars:" *Provided, however*, that no cause shall be removed from before a justice into the supreme court, by certiorari, (as heretofore used) in cases of appeal provided for by this act.

Trial by jury
before the jus-
tice allowed
and regulat-
ed.

XXII. *And be it further enacted*, That in every action to be brought by virtue of this act, wherein the sum or balance due, or thing demanded, shall exceed twenty-five dollars, if either of the parties, the agent or attorney of either of them, after issue joined, and before the court shall proceed to inquire into the merits of the cause, shall demand of the court that such action be tried by a jury, and that such jury shall consist of twelve men, the venire to be issued, shall in every such case require twenty good and lawful men to be summoned as jurors; and the jury for the trial of every such issue, shall in such cases consist of twelve men, instead of six, as in other cases of trials before a justice; and the provisions in the ninth and tenth sections of the act above mentioned, shall be followed, and shall be deemed to apply in every other respect.

Suits to be
brought in
towns where
plaintiff or
defendant re-
sides.

XXIII. *And be it further enacted*, That all actions to be brought by virtue of this act, or the act, entitled "an act for the recovery of debts to the value of twenty-five dollars," shall be brought in the town where either the plaintiff or defendant shall reside, unless when the defendant hath absconded out of the county or counties where the said parties, or either of them, have a legal residence: *Provided, however*, that nothing in this section contained shall affect the plaintiff, being a non-resident of the county where such action shall be brought.

Proviso.

CHAP. XCV.

AN ACT further to amend an act, entitled "an act to incorporate the stockholders of the New-York insurance company."

Passed April 10, 1818.

Preamble.

WHEREAS the New-York insurance company have represented to the legislature, that their act of incorporation will expire on the first Monday of January, in the year of our Lord one thousand eight hundred and twenty, and have prayed for an extension of their charter, and for sundry amendments thereto: Therefore,

Duration of
company ex-
tended.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly*, That the period heretofore limited by law for the expiration or dissolution of the said corporation, shall be and hereby is extended to the first Monday in January, which will be in the year of our Lord one thousand eight hundred and forty.

Assistants to
be appointed

II. *And be it further enacted*, That instead of two assistants of the said company, it shall and may be lawful to and for the president and directors of the said company, to appoint one or more assistant or assistants, as to them shall seem most for the interests of

the said company ; such assistant or assistants, as the case may be, to be appointed in the manner, and at the time prescribed in and by the act, entitled "an act to incorporate the stockholders of the New-York Insurance Company," passed the sixth of March, one thousand eight hundred and one ; and in and by the act, entitled "an act further to amend an act, entitled "an act to incorporate the stockholders of the New-York insurance company," passed the eleventh of March, one thousand eight hundred and eight : *And further*, That it shall and may be lawful for the president and directors of the said company, to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, touching the adjustment, settlement and payment of any loss or losses arising or claimed under any policy or policies subscribed for, on behalf of the said corporation ; any thing in the above mentioned acts to the contrary notwithstanding.

Losses on policies how adjusted.

III. *And be it further enacted*, That it shall and may be lawful to and for the said corporation to sell and dispose of, at any time when the president and directors of the said company shall judge it for the interest of the said corporation so to do, any public stock, created by any act of the Congress of the United States, or of any particular state, in which the capital stock of the said company, or any part or parts thereof, may be invested, and to invest the capital stock of the said company, or any part or parts thereof, in any other stock or public debt, or other public securities, created or to be created, in and by any law of the United States, or of this state : *Provided*, That nothing contained in this act, or in the act hereby amended, shall be so construed as to authorise the said company to have, use or enjoy any banking rights or privileges whatsoever.

Company may dispose of certain stock.

CHAP. XCVI.

AN ACT for the relief of the heirs and devisees of Charles Theophilus Cazenove, deceased.

Passed April 10, 1818.

WHEREAS Quirin Henry Cazenove, of Geneva, in Switzerland, as executor of the last will and testament of Charles Theophilus Cazenove, deceased, and as the guardian and on behalf of the infant children of the said Charles Theophilus Cazenove, Julia Cazenove Roguin, of Geneva aforesaid, the widow of the said Charles Theophilus Cazenove, and Charles Francis Cazenove, of the city of London, merchant, the eldest son of the said Charles Theophilus Cazenove, have presented their certain petition to the legislature ; and Herman Le Roy, William Bayard and Isaac Iselin, of the city of New-York, merchants, the attorneys of the said Quirin Henry Cazenove, Julia Cazenove Roguin, and Charles Francis Cazenove, have also presented a certain other petition to the legislature ; and Philip Church, of the town of Angelica, in the county of Allegany, Esquire, hath also presented a certain other petition to the legislature ; by which several petitions, it is represented to the legislature, that the said Charles Theophilus Cazenove, some

Preamble.

time in the year of our Lord one thousand eight hundred and eleven, died seized of the tract of land hereinafter mentioned and described, and whereof he was seized as the absolute owner thereof, to him and his heirs at the time of the making and publishing his last will and testament as herein after next mentioned; and that the said Charles Theophilus Cazenove, deceased, in his life time so being seized of the said tract of land, by his last will and testament by him duly made and published, and certain codicils by him annexed thereto as part thereof, did, amongst other things therein contained, leave to the said Julia Cazenove Roguin, his wife, two thousand pounds, independently of the sums specified in their marriage contract, to be at her entire and free disposal, and the surplus of his property, both real and personal, to be disposed as follows, viz: after paying the legacies in his said will and codicils specified, the interest, income and annual produce of the remaining capital, to be applied and paid as follows: one third part thereof to be paid to the said Julia Cazenove Roguin, his said wife, during her life, for her maintenance; and the remaining two thirds, to be applied for maintaining and educating his children; and the capital after the decease of his wife, to be divided amongst his children in equal parts, as soon as they should attain the age of twenty-one years respectively, each in his turn, to be at his or her disposal; and did name and appoint his brother, the said before named Quirin Henry Cazenove, solely the executor of his said will, and the tutor and guardian of his children, and authorising and requesting him to execute the contract of his said will, and charge himself with the guardianship of his said children, or to that effect; and by which said petitions, the said petitioners or some of them, further represent to the legislature, that the said Charles Theophilus Cazenove, died in Switzerland, leaving his said will and codicils in full force, and leaving the said Julia Cazenove Roguin, his wife, the said Quirin Henry Cazenove, his brother, executor, and the said Charles Francis Cazenove, his oldest son, and several other children, him surviving; and that they the said Julia Cazenove Roguin, Quirin Henry Cazenove, Charles Francis Cazenove, and the other children of the said Charles Theophilus Cazenove, deceased, are aliens, and all the children except the said Charles Francis Cazenove, in minority and under the age of twenty-one years; and which said Quirin Henry Cazenove, the said executor, Julia Cazenove Roguin, the widow, and Charles Henry Cazenove, the oldest son of the said Charles Theophilus Cazenove, by their said petition, further represent to the legislature, that the interest of the devisees of the said Charles Theophilus Cazenove, the said testator, would be materially promoted by a sale of the said tract of land, and that they the last mentioned petitioners are desirous to make sale thereof, and pray that they maybe authorised and empowered to sell the same, and to execute and give good and sufficient deeds of conveyance therefor; and that the proceeds of the said sale may be received by the said Quirin Henry Cazenove, to be disposed of by him in pursuance of the directions of the said will of the said Charles Theophilus Cazenove as part of his estate, for the benefit of his family, and to which the said Charles Francis Cazenove doth in and by the said petition

consent and agree ; and the said before named Herman Le Roy, William Bayard and Isaac Iselin, the attornies of the said Quirin Henry Cazenove, Julia Cazenove Roguin and Charles Francis Cazenove, and the before named Philip Church, by their several petitions, further representing to the legislature, that the said Philip Church hath agreed for the purchase of the said tract of land, and that the said Quirin Henry Cazenove, executor and guardian as aforesaid, and the said Julia Cazenove Roguin, the widow, and Charles Francis Cazenove, the oldest son and only adult child of the said Charles Theophilus Cazenove, have, by their letter of attorney, duly executed by each of them, authorised and empowered the said Herman Le Roy, William Bayard and Isaac Iselin, or any of them, to contract in selling, and to sell and convey the same to him the said Philip Church and his heirs forever ; and praying generally, that such sale and conveyance may be authorised by the legislature ; and the said letter of attorney, executed by the said Quirin Henry Cazenove, Julia Cazenove Roguin and Charles Francis Cazenove, to the said Herman Le Roy, William Bayard and Isaac Iselin, being produced, and it appearing thereby, that the same purports to authorise the said attornies, or any of them, to contract and agree with the said Philip Church for the sale of the said tract of land, and to sign, seal, execute and deliver, all and every such deeds, conveyance and assurance, as may be proper to convey, assure, confirm and vest the same unto and in the said Philip Church, and his heirs, and also to receive the purchase money or consideration to be paid or given therefor ; and it further appearing to the legislature, that the said tract of land was purchased and held by the said Charles Theophilus Cazenove, deceased, who was an alien under and by virtue of the act of the legislature, entitled " an act to enable aliens to purchase and hold real estates within this state, under certain restrictions therein mentioned," passed April 2d, 1798 ; and the representations of the petitioners herein before set forth and stated, so made by them to the legislature in the premises, as herein before mentioned, being averred by the petitioners and supposed to be true, and appearing to the legislature to be sufficient if true, to entitle the petitioners to legislative aid in the premises, and to make it fit and proper to pass the present act for that purpose : Therefore,

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly,* That all the right, title, claim and interest, which the people of this state have, or can, or may have a claim in or to all that certain tract or parcel of land, situated in the present county of Allegany, formerly of Ontario, in the state of New-York, and being made up of lots number one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six and twenty-seven, containing six hundred and forty acres each, and five hundred and forty eight acres and forty-five perches, being the westernmost part of lot number twenty-eight, in township number four in the first range, Morris' reserve : beginning at the southwest corner of lot number one, and running thence north four hundred

Right of the state to certain land vested in certain persons.

chains; thence east three hundred and eight chains and fifty three and an half links; thence south eighty chains; thence east one hundred and seventy one chains and fifty six and an half links; thence south three hundred and twenty chain; and thence west four hundred and eighty chains, to the place of beginning, containing seven-teen thousand eight hundred and twenty-eight acres and forty-five perches; by the reason of the alienism of all or any of the heirs and devisees of the said Charles Theophilus Cazenove, deceased, or otherwise howsoever, shall be and hereby is vested in the herein before named Quirin Henry Cazenove, Julia Cazenove Roguin and Charles Francis Cazenove, as fully and in like manner as if they were natural, free citizens of the United States, as trustees, however, in trust, to sell and convey the same as herein after mentioned, and the produce thereof to be disposed of as herein after also mentioned.

Shall to be
sold & how.

II. *And be it further enacted*, That the said Quirin Henry Cazenove, Julia Cazenove Roguin and Charles Francis Cazenove, by their above named attornies, the said Herman Le Roy, William Bayard and Isaac Iselin, or the major part of them, be and they hereby are authorised and empowered to sell the said tract or parcel of land to the said Philip Church, his heirs and assigns, for such price or sum as may be agreed upon between them; and that the deed for the said premises, shall and may be executed and given to the said Philip Church, by the said attornies, or any two of them, in the name of the said Quirin Henry Cazenove, Julia Cazenove Roguin, and Charles Francis Cazenove; and such deed shall vest in the said Philip Church, and his heirs, all the right, title, interest and estate, which the said Charles Theophilus Cazenove had in and to the said tract or parcel of land, with the hereditaments and appurtenances, at the time of his death.

Death of cer-
tain persons
not to affect
the deed.

III. *And be it further enacted*, That in case all, any or either of the said before named Quirin Henry Cazenove, Julia Cazenove Roguin, and Charles Francis Cazenove, shall have departed this life since the execution of the before mentioned letter of attorney, and previous to the passing of this act, or shall depart this life before the execution and delivery of such said deed to the said Philip Church, such death or deaths shall not in any manner or wise affect or impair the validity of the said deed, or be deemed in relation to the said conveyance to revoke and annul the power or authority of the said before named attornies; but on the contrary thereof, the execution and delivery of the said deed, in the names of the said Quirin Henry Cazenove, Julia Cazenove Roguin and Charles Francis Cazenove, although all, any or either of them may have departed this life at the time of the execution and delivery of such deed, shall be as valid and effectual as though they were all living at such time.

Purchase
money how
disposed of.

IV. *And be it further enacted*, That the purchase money or consideration to be paid or given by the said Philip Church, for the said tract or parcel of land, shall and may be paid or given by him to the said before named Herman Le Roy, William Bayard and Isaac Iselin, the said before named attornies, some or one of them, to be paid over by them or him to the said before named

Quiria Henry Cazenove, and to be by him disposed of pursuant to the directions of the will of the said Charles Theophilus Cazenove; but it is hereby declared, that it shall not be the duty of the said Philip Church, his heirs or assigns, to see the application of the said purchase money or consideration, nor shall he, or they, or any of them, be answerable for any loss, misapplication or non-application thereof, or of any part thereof: *Provided however*, that nothing in this act contained, nor any deed executed in virtue thereof, shall be deemed or construed as a warranty on the part of the state, of the title to the premises therein mentioned, or to give to the parties therein, any legal or equitable claim upon the state, nor to exempt the said premises from the payment of any tax with which it may now be charged or liable.

CHAP. XCVII.

AN ACT to incorporate the Mercantile Insurance Company of New-York.

Passed April 10, 1818.

WHEREAS Garret B. Abeel, Robert H. Bowne, John P. Mumford and others, in the city of New-York, have presented their petition to the legislature, praying to be incorporated by the name of the Mercantile Insurance Company of New-York, for the purpose of insuring marine risks and lives, and granting annuities; Therefore,

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly*, That Garret B. Abeel, Robert H. Bowne, John P. Mumford and their associates, and all such persons as shall hereafter become stockholders in the said company, shall be and hereby are declared to be a body corporate and politic, in fact and in name, by the name of "the mercantile insurance company of New-York," and by that name, they and their successors shall and may have continual succession; and shall be capable in law of suing and being sued, impleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors may have a common seal, and may change and alter the same at their pleasure; and this act shall continue in force until the year of our Lord one thousand eight hundred and forty, except so much thereof as relates to the powers and privileges therein granted, to grant annuities and to make insurance on a life or lives, or in any manner dependent upon a life or lives.

II. *And be it further enacted*, That the corporation hereby created, shall have full power and authority so insure all kinds of property, to make insurance upon vessels, goods, wares and merchandise, freight, bottomry, respondentia, interest, and all other marine risks; and also to lend money on bottomry and respondentia, and also to make insurance upon life or lives, or in any manner de-

pendent upon life or lives, and also to grant annuities for a life or lives, or for a term dependent upon a life or lives, and also to do and perform all necessary matters and things connected with those objects or any of them; and they may also cause themselves to be insured against maritime risks upon the interests which they may have in any vessels, goods or merchandise, in virtue of any such losses, or bottomry, or respondentia.

Stock.

III. *And be it further enacted*, That the capital stock of the said company, shall be five hundred thousand dollars, to be divided into shares of fifty dollars each; but it shall nevertheless be lawful for the said corporation, when and so soon as two hundred and fifty thousand dollars of the said capital stock shall have been subscribed and paid for, to commence their said business, and with that capital to conduct and carry it on until they shall find it expedient to extend their capital, which they are authorised to do from time to time to the amount herein before authorised.

Concern how
to be managed.

IV. *And be it further enacted*, That the stock and affairs of the said corporation, shall be managed and conducted by twenty-one directors, each of whom shall be a stockholder to the amount of at least fifty shares, a citizen of the United States and a resident within this state; they shall be elected on the second Monday in January in each and every year, at such time of the day and at such place in the city of New-York, as the board of directors for the time being shall appoint, and shall hold their offices for one year and until others shall be chosen to supply their place, and no longer; and notice of the time and place of such annual election shall be published daily for the space of one week next preceding the same, in at least two of the public newspapers printed in the said city, and every such election shall be held under the inspection of three or more stockholders in the said company, not being directors, to be previously appointed for that purpose by the board of directors, and shall be made by ballot by a plurality of the votes of the stockholders present, allowing one vote for every share; and stockholders not personally present, being citizens of the United States, may vote by proxy, such proxy being granted directly to the person representing them at such election; and the first directors of the said corporation, shall be Garret B. Abeel, Robert H. Bowne, John P. Mumford, James Magee, James McBride, Benjamin Marshall, Jacob Barker, Henry Eckford, Benjamin G. Minturn, Ferdinand Suydam, James De Wolfe, junior, Joshua Underhill, William Vernon, Isaac Greene Pierson, junior, Rufus Davenport, James B. Murray, Francis Seltus, Saul Alley, Richard Hopkins, Moses Field and Charles Hall, who shall continue in office until the second Monday in January, in the year one thousand eight hundred and twenty.

First directors.

President to be chosen.

V. *And be it further enacted*, That the directors herein before named, shall, as soon as may be after the passing of this act, and the directors to be chosen at such annual elections, shall, as soon as may be after every election, proceed to choose out of their body one person to be a president and one other person to be assistant, which president, or in case of his death, resignation or absence, the assistant, shall preside until the next annual election thereafter, or until

another president shall be chosen ; and in case of the death or resignation of the president, assistant or any director, such vacancy or vacancies may be filled for the remainder of the year wherein they may happen, by the board of directors; and in case of the absence of the president and assistant, the board of directors shall have power to appoint a president *pro tempore*, who shall have and exercise such powers and functions as the by-laws of the said corporation may provide.

VI. *And be it further enacted*, That in case it should at any time happen that an election of directors should not be made on any day when pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved ; but it shall and may be lawful on any other day to hold and make an election of directors, in such manner as shall have been regulated by the by-laws and ordinances of the said corporation.

Election may be held on any day.

VII. *And be it further enacted*, That the stock of the said company shall be assignable and transferable, according to such rules and subject to such restrictions as the board of directors shall from time to time make and establish, and shall be considered personal property.

Stock transferable.

VIII. *And be it further enacted*, That nine of the directors of the said company shall constitute a board, and be competent to the transaction of all the business of the corporation ; and they shall have power, if done in pursuance of a by-law of the corporation, to appoint from their own body one or more person or persons, to act or assist in the conducting or management of their business, with such salaries and allowances as they may think proper ; also to appoint a secretary and so many clerks and servants for carrying on their business, as they shall deem expedient ; and they shall also have power to declare and make dividends of the profits resulting from the business of the said company, and to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the company, the duties, powers and conduct of its officers and servants, the election of directors, the transfer of shares, the management and conducting of its business, and all matters appertaining thereto : *Provided*, such by-laws, rules and regulations, shall not be repugnant to the constitution and laws of this state or of the United States.

Nine directors may form a quorum.

Their powers.

Provided.

IX. *And be it further enacted*, That it shall and may be lawful to and for the said corporation, to set apart and appropriate the sum of one hundred thousand dollars, part of the said capital stock, and which fund or sum may be further increased from time to time by appropriations thereto, by order of the said corporation, of any further shares of the capital stock of the said company, at any time remaining unsubscribed for, to a sum not exceeding in the whole two hundred and fifty thousand dollars ; and the whole of the said annuity fund created by this act, shall be invested in real estate, by loans upon bonds to be secured by mortgages upon real estate within this state, of the value of at least fifty per cent. more than the sum or sums loaned thereon, and in no other way whatever, to be exclusively held and pledged as a fund for the payment of annuities,

Annuity fund.

which shall be granted by the said company, and of losses upon insurances for a life or lives, or in any wise dependent on life or lives, and shall in no case be liable for the other debts, contracts, liabilities and engagements of the said company; that the said fund shall be denominated "*the annuity fund*;" and all investments of the said capital of one hundred thousand dollars, and of the additional appropriations thereto, and of all accumulations in respect thereof, or arising from the income thereof, or from insurances upon life or lives, or from the granting of annuities, and all expenses, payments and losses in respect of such insurances upon life or lives, or dependent thereon, and the granting of such annuities, shall be kept in a separate and distinct account; and all such investments and all securities taken by the said company, shall contain therein and be expressed to be on account of the said annuity fund; and such fund and the accumulations thereof, shall be alone liable to pay, bear and satisfy all losses, expenses, payments and charges, in respect to insurances on life and lives, or in any manner dependent on life or lives, and annuities which shall be granted by the said company.

Real estate
may be pur-
chased.

X. *And be it further enacted*, That it shall be lawful for the said corporation to purchase and hold such and so much real estate, as shall be necessary and convenient for the transaction of its business; and also to take and hold any real estate or securities bona fide mortgaged or pledged to the said corporation, either to secure the payment of the shares of the capital stock, or to secure the payment of any debt that may be due to it; and also to purchase on sales made by virtue of any judgment at law, or any order or decree of a court of equity or otherwise, to receive any real estate in payment or towards satisfaction of any debt previously contracted and due to the said corporation, and to hold the same until they can conveniently sell and convert the same into money or other personal property: *Provided always*, that it shall not be lawful for the said corporation to deal or use, or employ any part of their stock, funds or monies, in buying or selling any goods, wares, merchandise or commodities whatsoever, or in the trade, or business of an exchange or stock broker, or in the purchase or sale of any stock or funded debt whatsoever, created or to be created by or under any act of the United States, or of any particular state, nor to emit any notes or bills, or make any contract for the payment of money, only except under the seal of the said corporation; and all such notes and contracts shall, to all intents and purposes, be taken to operate as specialties at law; but that it shall nevertheless be lawful for the said corporation to purchase and hold any such stock or funded debt, as last aforesaid, for the purpose of vesting any part of their capital stock, funds or monies therein, instead of investing the same in and upon any real security; and also to sell and transfer the same, and again invest the same, or any part thereof, in such stock or funds, whenever and as often as the exigencies of the said corporation, or a due regard to the safety of its funds, shall require; and also to make loans of its capital stock or funds on bonds and mortgages or personal security, and the same to call in and reloan on like security as the occasion may require: *Provided*, that nothing contained in any part of this act, shall be construed to authorize the

Proviso.

Proviso.

said corporation to use or enjoy any banking privileges or powers whatsoever.

XI. *And be it further enacted*, That all policies of insurance, grants of annuities and other contracts which shall be made or entered into by the said corporation, may be made either under or without the seal thereof, and shall be subscribed by the president or such other officer as shall be designated for that purpose, by the by-laws of the said corporation, and attested by the secretary; and being so signed, executed and attested, shall be binding and obligatory upon the said corporation, according to the tenor, intent and meaning of this act, and of such policies and contracts; and all such policies and contracts may be so made, signed, executed and attested, and the business of the said corporation may be otherwise conducted and carried on, without the presence of a board of directors, by the president and assistant, or by either of them, with a director, or by a committee to be appointed for such purposes; and the acts of such president and assistant, or of either of them, with a director, or of such committee, if done under or in conformity to the by-laws of said corporation, shall be binding and obligatory on it to all intents and purposes.

Contracts how to be made.

XII. *And be it further enacted*, That this act shall be and is hereby declared to be a public act, and the same be construed in all courts and places benignly and favorably for every beneficial purpose herein intended.

A public act.

XCVIII.

AN ACT to incorporate the Westmoreland and Sodus Bay turnpike road company.

Passed April 10, 1812.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly*, That Levi Jennings, Jonas C. Baldwin, Isaac G. Northway and John Jackway, and all such persons as shall associate for the purpose of making a turnpike road to begin on the road leading through Westmoreland, at the village of Hampton, and running thence west at or near the village of Bridgeport; thence westerly through Lysander, to the town of Cato, at or near the store of William Ingham, in said town; thence westerly, to the west line of said town, so as to intersect the road leading from Oswego falls to Sodus Bay, in the county of Seneca, and their successors, be and they are hereby created a body corporate and politic, by the name of "the president, directors and company of the Westmoreland and Sodus Bay turnpike road company;" and they are hereby ordained, constituted and declared to be a body corporate and politic. in fact and in name, and by that name they and their successors shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions and complaints, matters and causes, and by the same

Company incorporated.

Style.

name and style shall be in law capable of purchasing, holding and conveying any estate, real, personal or mixed, for the use of the said corporation: *Provided*, that such estate, real, personal or mixed, so to be purchased and held, shall be necessary to fulfil the end and intent of the said corporation, and for no other purpose whatever.

Stock.

II. *And be it further enacted*, That the said stock of the said company hereby incorporated, shall consist of two thousand five hundred shares of twenty-five dollars each; and that Abner Hollister, Jonas C. Baldwin, Moses Kenney and Isaac G. Northway, be and they are hereby appointed commissioners to receive subscriptions for said stock, in the manner directed by the act, entitled "an act relative to turnpike companies," passed March thirteenth, one thousand eight hundred and seven.

Toll.

III. *And be it further enacted*, That the said company, hereby incorporated, shall be entitled to exact and receive at each of the gates or turnpikes, to be erected on said road, for any number of miles not less than ten in length of said road the following sums of money, and so in proportion for every greater or less distance, from all persons travelling or using the same, to wit: for every score of hogs or sheep, three cents; for every score of cattle, horses or mules, six cents; for every chair, sulkey or chaise, with one horse, twelve and an half cents; for every horse rode, led or driven, four cents; for every chariot, coach, coachee, phaeton, pleasure waggon, drawn by two horses, twenty-five cents; for every additional horse, six cents; for every stage, waggon or other four wheeled carriage, drawn by two horses, mules or oxen, twelve and a half cents, for every additional horse, mule or ox, three cents; for every cart, drawn by two oxen, eight cents, and every additional yoke of oxen or pair of horses or mules, three cents; for every sled travelling the above road, from the fifteenth day of December to the fifteenth day of March, in each year, one half of the tolls herein demanded, for carriages for the transportation of burdens.

General powers.

III. *And be it further enacted*, That the said company, hereby incorporated, shall have and enjoy all the rights, privileges, powers and immunities which are given and granted in and by the aforesaid act, entitled "an act relative to turnpike companies," and shall be subject to all the conditions, restrictions and regulations, contained in the said general act.

Bridge.

IV. *And be it further enacted*, That it shall and may be lawful for the said turnpike company to erect a bridge over the Seneca river, at the place where said road shall strike said river, and be allowed to take and receive the same toll that is allowed for any ten miles of said road, and three cents for every foot traveller: *Provided*, That such bridge shall not be so constructed as in any wise to interfere with the navigation of the said river.

Boating.

CHAP. XCIX.

AN ACT to incorporate the Buffalo and Manchester turnpike and bridge company.

Passed April 10, 1818.

Be it enacted by the People of the State of New-York, represented in senate and assembly, That Augustus Porter, Benjamin Barton, and all such other persons as shall associate for the purpose of making a good and sufficient turnpike road from the village of Buffalo, to the village of Black Rock, on the Niagara river, thence to the village of Manchester, on the most direct and convenient route, so as to promote the interest of the public and the corporation, be and they are hereby created a body corporate and politic, in fact and in name, by the name of "the Buffalo and Manchester turnpike and bridge company," and by that name shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes; and by the same name and style, shall be in law capable of purchasing, holding and conveying any estate, real and personal, for the use of said corporation: *Provided*, That such estate, as well real as personal, so to be purchased and held, shall be necessary to fulfil the end and intent of the said corporation, and to no other purpose whatsoever. Company incorporated.

II. *And be it further enacted*, That the stock of the said company hereby incorporated shall consist of ten hundred and eighty shares, of twenty-five dollars each, and that Benjamin Barton, Augustus Porter and Albert H. Tracy, be and are hereby appointed commissioners to receive subscriptions for the said stock, in the manner described in and by the act entitled "an act relative to turnpike companies," passed the tenth day of April, one thousand eight hundred and thirteen. Stock.

III. *And be it further enacted*, That the said company hereby incorporated, shall be entitled to exact and receive of and from every person travelling on or using said road, at the gates or turnpikes to be erected thereon, for any number of miles not less than ten, the following sums of money, and so in proportion for a greater or less distance of the said road, viz.: for every cart, waggon, or other wheeled carriage, drawn by two horses, mules, or oxen, twelve and an half cents, for every additional horse, mule or ox, three cents; for every coach, coachee, phaeton or curricule, with two horses, twenty-five cents, for every additional horse, three cents; for every sulkey, chair, chaise or other one horse pleasure carriage, twelve and an half cents; every one horse waggon, six cents; every horse rode, led or driven, four cents; for every sleigh or sled drawn by two horses, mules or oxen, six cents, and for every other additional horse, mule or ox, two cents; for every sleigh or sled drawn by one horse, mule or ox, four cents; for every score of horses, mules or cattle, twenty cents, and in like proportion for a greater or less Toll.

number ; for every score of sheep or hogs, eight cents, and in like proportion for a greater or less number.

Bridge: IV. *And be it further enacted*, That the company hereby incorporated, are authorised and empowered to erect a toll bridge over the Tonawanta creek, where the said turnpike intersects the said creek, with the privilege of exacting and receiving in every respect half the toll allowed by the third section of this act.

How made- V. *And be it further enacted*, That the said bridge shall be built at least twenty feet in width, and well covered with plank at least three inches in thickness ; the sides of said bridge to be secured with good and substantial railing, and so constructed as not to obstruct the navigation of said creek : *And further*, that all other bridges to be constructed on said turnpike, shall be built in manner aforesaid.

General provisions VI. *And be it further enacted*, That the corporation hereby created, shall have and enjoy all the rights and privileges, powers and immunities, which are given and granted in and by the aforesaid act, entitled " an act relative to turnpike companies," and shall be subject to all the conditions, provisions and regulations contained in the said act, except so far as is otherwise herein provided and enacted.

CHAP. C.

AN ACT *relative to the claims of John Jacob Astor, on certain lands in the county of Putnam.*

Passed April 10, 1818.

Preamble- WHEREAS a certain tract of land, situate in the county of Putnam, was forfeited to the people of this state by the attainder of Roger Morris and Mary his wife, and was subsequently sold and conveyed in fee by the commissioners appointed by law for the sale of confiscated estates, to sundry persons, by whom or by whose assigns the said lands are now occupied : *And whereas* it is represented that John Jacob Astor, of the city of New-York, sets up some claim of title, to the said lands, hostile to that claimed from the state : *And whereas* it is expedient that the said claim of title should be investigated, and if found to be valid, that measures should be taken to extinguish the same : Therefore,

Commissioners appointed I. *Be it enacted by the people of the state of New-York, represented in senate and assembly*, That the person administering the government of this state, for the time being, be and he is hereby authorised to appoint two commissioners, who, together with the attorney general of this state, for the time being, shall proceed to investigate the claims of John Jacob Astor to certain lands, in the county of Putnam, forfeited to the people of this state by the attainder of Roger Morris and Mary his wife, and report their opinion of the extent and validity thereof to the governor, who shall communicate the same to the legislature, at their next session, in such manner as he may deem expedient.

II. *And be it further enacted*, That the said commissioners, together with the attorney general, shall ascertain from the said John Jacob Astor, the terms upon which his claim to the said lands may be extinguished, and shall report the same to the governor as aforesaid.

Commissioners to ascertain and report.

CHAP. CI.

AN ACT to divide the town of Porter, in the county of Niagara.

Passed April 10, 1818.

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly*, That from and after the first day of March next, all that part of the town of Porter, in the county of Niagara, lying east of a line commencing on lake Ontario, between quarter sections numbers forty-eight and forty-one, fifteenth township and eighth range of townships, of the Holland land company's lands; thence along said line, southerly, in a direct line, to the south bounds of the said town of Porter, is hereby erected into a new town by the name of Wilson; and that the first town meeting shall be held at the house of David Porter; and that all the remaining part of the said town of Porter shall be and remain a separate town by the name of Porter, and the next annual town meeting shall be held at the house of Peter Tower.

Town of Wilson created.

II. *And be it further enacted*, That as soon as may be after the first town meeting shall be held in the said town of Wilson, the supervisors and overseers of the poor of the towns of Porter and Wilson, on notice being first given for that purpose, shall meet together and divide the money and poor belonging to the town of Porter, previous to the division thereof, agreeable to the last tax list; and that each of the said towns thereafter shall respectively maintain their own poor.

Poor & money divided.

CHAP. CII.

AN ACT to establish a turnpike corporation for making and improving a road from the village of Florida to White Oak island.

Passed April 10, 1818.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly*, That Samuel S. Seward, Jesse Jayne, Thomas Sweezy, Samuel Tuthill, John Curtice, James Vail, John W. Vanderolf, Robert Carr, William A. Smith, Horace Dibble, and all such persons as shall associate for the purpose of making a good and sufficient road, to commence at or near the church in the village of Florida, in the county of Orange, to run from thence nearly west, to the north west point of round-hill; thence on the nearest and most eligible route to the Great and Merrit's Islands turnpike road, on White Oak Island, shall be and hereby are created

Corporation created.

Style. and made a body politic and corporate, in fact and in name, by the name of "the president, directors and company of the Florida and White Oak island turnpike road;" and by that name shall be capable in law to purchase, have, hold, enjoy and retain to them and their respective successors, lands, tenements, hereditaments, goods, chattels and effects of every kind whatsoever, and the same, or any part thereof, to sell, grant, demise, alien, or dispose of; to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in courts of record or any other place whatsoever: *Provided however* that the amount of the real estate, which the said corporation are hereby authorised to purchase and hold, shall not exceed three thousand dollars: *And provided further*, that such estate, so to be purchased and held, shall be necessary to fulfil the end and intent of the corporation, hereby created and made, and to no other use, intent or purpose whatsoever.

Proviso. II. *And be it further enacted*, That Samuel S. Seward, Jesse Jayne Robert Carr, James Vail and John W. Vanderolf, be and they are hereby appointed commissioners to do and perform the several duties hereinafter mentioned, that is to say; they shall, on or before the first day of June next, procure five books, and in each of them enter as follows: "We, whose names are hereunto subscribed, do, for ourselves and our legal representatives, promise to pay the president, directors and company of the Florida and White Oak Island turnpike road the sum of twenty-five dollars for every share of stock set opposite to our names, in such manner and proportion, and at such time and place, as shall be determined by the said president, directors and company;" one of which books shall be left with each of the said commissioners, at their respective places of abode, who shall keep the same open for the purpose of securing subscriptions; and the said commissioners shall, as soon as one hundred shares have been subscribed, cause an advertisement to be inserted in two of the public newspapers published in Goshen, giving at least twenty days notice of the time and place of a meeting of the stockholders, for the choice of directors, who shall be elected in the manner, possess the like power, and perform the like duties as are heretofore prescribed by an act entitled "an act relative to turnpike companies," passed March 13, 1807: *Provided*, that the number of shares to be subscribed for, shall not exceed two hundred.

Books to be opened. III. *And be it further enacted*, That the said directors shall, immediately after their election, elect a president, who shall also possess the like powers, and perform the like duties, in relation to the said corporation, as are prescribed by the act last referred to; and the said president and directors shall, as soon as the whole or any part of the said road shall be completed, and permission granted to erect a gate upon the same, appoint toll gatherers to collect and receive of and from all and every person and persons, using the said road at such gate, the rates of toll following, to wit: for every score of hogs or sheep six cents; for every score of cattle, horses or mules, twelve cents; for every chair, sulkey or chaise, with one horse, eight cents; for every one horse waggon, ten cents; for every horse rode, led or drove, three cents; for every chariot, coach,

Proviso.

President &c to be chosen.

coach or phaeton, twelve cents; for every cart drawn by one horse, six cents; for every stage, waggon or other four wheeled carriage drawn by two horses, mules or oxen, eight cents, and two cents for every additional horse, mule or ox. for every sleigh or sled, if drawn by two oxen or horses, four cents, and in like proportion if drawn by a greater or less number of horses mules or oxen: *Provided*, that nothing in this act contained, shall subject any person to the payment of toll at the said gate, who may be exempted by the act before mentioned and referred to

IV. *And be it further enacted*, That the number of directors for managing the concerns of the company hereby incorporated, shall be five, three of whom shall be a quorum, and capable of managing the business of the said company: *Provided however*, that the chord of the arch of the road, hereby authorised to be made, shall not be less than twenty-two feet, independent of the ditches.

CHAP. CIII.

AN ACT to revive the act, entitled "an act to vest certain powers in the freeholders and inhabitants of the port of Sag Harbor, for the purpose of extinguishing fires, and for other purposes."

Passed April 10, 1818.

WHEREAS the legislature of this state did, on the twenty-sixth day of March, in the year one thousand eight hundred and three, pass an act vesting certain powers in the freeholders and inhabitants of the port of Sag Harbor, for the purpose of extinguishing fires, and for other purposes: *And whereas* the said act is deemed to have become void, in consequence of the said freeholders and inhabitants not meeting on the day mentioned in said act for the annual election of trustees: Therefore,

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly*. That the act, entitled "an act to vest certain powers in the freeholders and inhabitants of the port of Sag Harbor, for the purpose of extinguishing fires, and for other purposes," passed March the twenty-sixth, in the year one thousand eight hundred and three, be and the same is hereby revived and in full force; and it shall and may be lawful for the freeholders and inhabitants of said port, to assemble on the first Monday of January annually in every year, at such time of the day, and at such place therein, as the trustees thereof shall from time to time appoint; and when so assembled, to do and perform all such act or acts, as are directed by the act hereby revived.

II. *And be it further enacted*, That the trustees chosen on the first Monday of January last, be the trustees of said port, until the next annual meeting.

CHAP. CIV.

AN ACT to appoint commissioners to lay out and improve a road through the Canadea reservation, in the towns of Nunda and Canadea, in the county of Allegany.

Passed April 10, 1818.

Commissioners appointed

I *Be it enacted by the people of the state of New-York, represented in senate and assembly,* That Thomas Dole, of the town of Nunda, John Hoyt, of the town of Canadea, and James M'Call, of the town of Rushford in the county of Allegany, are hereby appointed commissioners to lay out and improve a road on the west side of the Genesee, through the said reservation, and to agree with, and satisfy the Indians owning and possessing said land, for their reasonable damages for said roads passing through their improved lands.

Treasurer of Allegany to pay certain moneys.

II. *And be it further enacted,* That it shall be the duty of the treasurer of the county of Allegany, to pay to the aforesaid commissioners, or a majority of them, or to their order, or to the order of any two of them, the sum of one thousand dollars, out of the first money that shall come into his hands, after the first day of October next, for taxes due to the treasurer of this state; and the receipt or receipts of the commissioners, appointed by virtue of this act, shall be passed to the credit of the said county treasurer, by the comptroller, when presented to him, which money shall be faithfully applied by said commissioners, in laying out and improving the aforesaid road.

Commissioners to take an oath.

III. *And be it further enacted,* That the said commissioners shall, previous to their entering upon the duties of their office, take and subscribe an oath before one of the judges of the court of common pleas in and for said county of Allegany that they will well and faithfully apply the money that shall come into their hands by virtue of this act, to the best of their knowledge and ability, which oath shall be filed in the clerk's office of said county.

To account to the comptroller.

IV. *And be it further enacted,* That it shall be the duty of the commissioners aforesaid, to account with the comptroller of this state, for the faithful expenditure of all the monies received as aforesaid, within one year from the time they shall receive the same, retaining only in their hands two dollars each day they shall necessarily be employed about said road.

Survey to be made.

V. *And be it further enacted,* That as soon as may be after the said commissioners shall have surveyed and established said road, it shall be their duty to cause a survey of as much of said road as shall be in each of the towns of Nunda and Canadea, to be recorded in the clerk's office of each of the respective towns; and it shall be the duty of the commissioners of each of said towns, to district the said road and cause the same to be improved in the same manner as other roads are worked in said towns.

CHAP. CV.

AN ACT concerning common schools in the village of Lewiston.

Passed April 10, 1818.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly,* That the monies which now are or hereafter may come into the treasury, in pursuance of the act, entitled "an act to alter the plan of the village of Lewiston, on the Niagara river," passed March 30, 1810, and the sixteenth section of the act, entitled "an act to incorporate the Hannibal and Volney bridge company, and for other purposes," passed April 15, 1817, shall, from time to time, be paid by the treasurer on the warrant of the comptroller, to the trustees of common schools in the said village: *Provided however,* that the said trustees shall, previous to issuing any such warrant by the comptroller, execute a bond to the supervisor of the town of Lewiston, and his successor in office in such penalty and with such surety or sureties as the said supervisor shall approve; conditioned that the said trustees shall faithfully apply the aforesaid monies towards paying the salary or salaries of the teacher or teachers, who shall be employed in the common schools of the said village, for the benefit of the freeholders and inhabitants thereof, who shall have resided therein six months; and shall render a just and true account of the expenditure of the said money to the supervisor of the aforesaid town, whenever thereunto required: *And provided further,* that the comptroller shall not issue any warrant as aforesaid, until a certificate shall be presented to him, under the hand of the aforesaid supervisor, certifying that such bond as aforesaid has been duly executed and delivered to him by the said trustees.

Certain monies to be paid.

Provided;

Further provided.

II. *And be it further enacted,* That it shall be the duty of the aforesaid supervisor, for the time being, to sue and recover, in his own name, upon the aforesaid bond, all damages which shall accrue by any breach of the condition thereof, to the use and for the benefit of the common schools in said village.

Bond how satisfied.

CHAP. CVI.

AN ACT relative to the foundations of buildings in the city New-York.

Passed April 10, 1818.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly,* That the foundation of each and every building which shall be erected in the city of New-York, after the first day of May next, shall not be less than six feet below the street or side walk directly in front of said foundation: *Provided always,* that said foundations can be so laid or built without injury to any building or buildings which may have been erected on the adjoining grounds before the said first day of May: *And*

Foundations how to be laid.

provided also, that in all low and wet situations in said city, where it shall be impracticable to lay the said foundations six feet below the said street or side walk, it shall be sufficient that the same be laid as low as the standing waters in such situations.

No damages
to be recover-
ed in cer-
tain cases.

II. *And be it further enacted*, That the owner or owners of each and every building which shall be erected in the city of New-York, after the first day of May next, the foundations of which shall not be in conformity to this act, shall be barred from the recovery of any damages such building or buildings may hereafter sustain by the erecting any building or foundation adjoining thereto, in pursuance of the provisions of this act: *Provided*, that ordinary care be taken in erecting such buildings or in laying such foundations.

CHAP. CVII.

AN ACT for the relief of the rector, wardens and vestrymen, of St. John's church, in the village of Johnstown, in the county of Montgomery.

Passed April 10, 1818.

Intestible.

WHEREAS the late Sir William Johnson, formerly of the county of Tryon, now the county of Montgomery, did, in his life time, set apart one acre of land in the village of Johnstown, and did build thereon a church, for the use of the inhabitants of the said village and its vicinity, professing the Protestant Episcopal faith; and did also set apart forty acres of land as a glebe for the said church: *And whereas*, it appears to the legislature, that the said Sir William Johnson intended to have conveyed the said church and glebe for the uses aforesaid, but that such intention was not carried into effect, although the said church and glebe were, in the life time of the said Sir William Johnson, possessed and used in conformity to his said intention: *And whereas* the legislature, in the year one thousand seven hundred and ninety seven deeming the said church and glebe to have become forfeited to the people of this state by the attainder of Sir John Johnson, the son and heir of the said Sir William, did, by law, grant the said church and one acre of land to the rector, wardens and vestrymen of St. John's church in the village of Johnstown, agreeably to the intentions of the said Sir William, and the said glebe to the trustees of the Presbyterian congregation of Johnstown, in the said county of Montgomery, whereby the intention as to the said glebe of the donor has been contravened: *And whereas* the said rector, wardens and vestrymen, have by petition presented to the legislature, prayed for an equivalent for the said glebe: Therefore,

Money to be
paid by the
treasurer.

Be it enacted by the people of the state of New-York, represented in senate and assembly, That the treasurer of this state shall, on the warrant of the comptroller, pay over to the rector, church wardens and vestrymen of St. John's church in the village of Johnstown, in the county of Montgomery, the sum of two thousand and four hundred dollars, with interest, out of the first monies dis-

rected to be raised by lottery, to reimburse the treasury for losses sustained by the failure of Naphthali Judah and others, to whom lottery tickets had been credited by the managers, when the same shall be paid into the treasury by the managers.

CHAP. CVIII.

AN ACT for building a toll bridge over the Genesee river, in the town of Nunda, in the county of Allegany.

Passed April 10, 1818.

I. Be it enacted by the people of the state of New-York, represented in senate and assembly, That John McKay, his heirs and assigns, be and are hereby authorised and empowered, at his own expense, to build a toll bridge over the Genesee river, in the town of Nunda, in the said county of Allegany, at the rapids above the upper falls of the said river, agreeably to the directions and dimensions following, to wit : the said bridge shall be built upon good stone abutments, and shall not be less than twenty two feet in width, and covered with plank not less than three inches thick, so as to be secure for the passage of horses and carriages ; and it shall be lawful for the said John McKay, his heirs and assigns, to ask, demand and take for the use of the said bridge, a toll not exceeding the toll following rates, to wit : for every four wheel pleasure carriage, with two horses, twenty five cents, and for every additional horse in such carriage, six cents ; for every two wheel pleasure carriage with one horse, twelve and an half cents, and for every additional horse, six cents ; for every stage waggon with four horses, twenty-five cents ; for every cart, waggon, sleigh or sled with two horses, or other beasts, twelve and an half cents, and for every additional horse or other beast, six cents ; for every cart, waggon, sleigh or sled with one horse or other beast, nine cents ; for every score of neat cattle, horses, mules or asses, thirty cents, and so in proportion for a greater or less number ; for every score of sheep or hogs, ten cents, and so in proportion for a greater or less number ; for every man and horse, six cents ; for every footman or single passenger, three cents ; and if the said bridge so to be built shall, at any time thereafter, and during the time herein after mentioned, be carried away, thrown down, or destroyed by a freshet or other unavoidable accident, the said John McKay, his heirs or assigns, shall be allowed one year from the time of such casualty, to rebuild the said bridge, according to the directions and dimensions aforesaid : *Provided*, that after the expiration of twenty years from the passing of this act, the said bridge shall be and is hereby declared to be a public bridge, and free of toll ; and it shall be the duty of the said John McKay, his heirs or assigns, to leave the said bridge in good repair at the expiration of the said time : *And provided further*, that in case the said bridge shall be destroyed and not rebuilt within the time herein before provided for such purpose, this act and the grant therein contained, shall therefrom cease and determine : *And provided also*, that the legislature may, from time to time, pass

J. McKay authorized to build a bridge

Provided

Further provided

such other laws in relation to the said bridge, for the more effectually keeping the same in good order and repair, as to them shall seem proper.

Report of expenses.

II. *And be it further enacted*, That when the said bridge shall be completed, it shall be the duty of the said proprietor to make a report of the expense of building said bridge, on the oath of the said John McKay, his heirs or assigns, that the same is just and true, according to the best of his or their knowledge and belief, and shall file the same in the office of the clerk of the county of Allegany.

Security to be given.

III. *And be it further enacted*, That the said John McKay, his heirs or assigns, shall, before they commence the building of said bridge, give such security to the people of this state as a majority of the judges of the court of common pleas for the county of Allegany, shall in writing, under their hands and seals, judge adequate and sufficient, by bond, with condition that a good and sufficient bridge of the dimensions before mentioned, shall be built and erected within two years from the passing of this act, over the said Genesee river, at the place before prescribed, and that if the said bridge shall be taken away as aforesaid, the same shall be rebuilt within one year thereafter, and that the same shall be kept and maintained in good repair, until the expiration of the said term of twenty years, and that no other or greater toll shall be demanded or received than is by this act allowed, which security shall be deposited with the clerk of Allegany county; and in case any violation or breach thereof shall occur in the said security, it shall be lawful for the board of supervisors of the county aforesaid, to cause the same to be put in suit in the name of the treasurer of said county; and in case it shall appear in such suit by a judgment therein to be had, that the said bridge had not been built within the time limited for that purpose, or that the same hath not been duly kept in repair or maintained, according to the terms of the security aforesaid, then and in that case the privilege hereby granted to the said John McKay, his heirs or assigns, shall cease and be utterly void, any thing herein contained to the contrary notwithstanding.

How to be put in suit.

Bridges and ferries prohibited.

IV. *And be it further enacted*, That during the said term of twenty years, no other bridge shall be erected over the said Genesee river, within half a mile of the bridge by this act authorised to be built; nor shall any public ferry be kept within the same space during the like period.

Banks of river not to be reduced &c.

V. *And be it further enacted*, That it shall not be lawful to dig down, remove, reduce, or take away any part of the banks of the said Genesee river, at or near the bridge authorised to be built by this act, so as to endanger or destroy the said bridge or the abutments or other part thereof, under the penalty of five hundred dollars, besides costs, to be recovered in the name and for the benefit of the person who shall sue for the same: *And further*, such offender shall be liable in damages at the suit of the said John McKay, his heirs or assigns, or at the suit of either of them.

Penalty for Windranceke

VI. *And be it further enacted*, That if any person shall be unreasonably hindered, prevented or detained in passing over the said bridge, the said John McKay, and the toll gatherer, or either of

them, shall be liable to pay to the person so injured, a sum not exceeding five dollars, to be sued for and recovered of the said John McKay and the toll gatherer, or either of them, with costs, before any justice of the peace of the said county of Allegany.

Penalty

VII. *And be it further enacted*, That in crossing said bridge with carriages, horses and cattle, the same shall not be rode or driven at a faster rate than on a walk, under a penalty of one dollar, to be paid by the persons respectively riding or driving the same, to be recovered with costs before any justice of the peace of the county of Allegany, in the name of the said John McKay, his heirs or assigns.

To cross bridge on a walk.

VIII. *And be it further enacted and provided*, That it shall and may be lawful for the supervisors of the said county of Allegany, at any time after the said bridge shall be completed, and the report of the expense thereof filed as aforesaid, to pay the amount thereof with interest, at the rate of seven per cent. per annum, from the time of filing said report, to the said John McKay, his heirs or assigns; and on the payment or tender of payment thereof, the said bridge shall be and is hereby declared to be a public bridge, free of toll.

When to be a public bridge

IX. *And be it further enacted*, That this act shall be and is hereby declared to be a public act, and shall be benignly and favorably construed for all the beneficial purposes therein intended.

A public act.

CHAP. CIX.

AN ACT to divide the town of Buffalo, in the county of Niagara.

Passed April 10, 1818.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly*, That from and after the first day of March next, all that part of the town of Buffalo, in the county of Niagara, beginning at the center of Buffalo creek, in the Indian reservation; thence a due north course of the north line of said reservation to a line between lots number forty-one and thirty-two in the eleventh township, seventh range of townships; thence north on said line to the south line of lots number forty-nine and fifty-six; thence west on said line to the line between lots number sixty-six and sixty-five; thence north to the north line of lots number seventy and seventy-one; thence west on said line to a line between the seventh and eighth ranges of townships number twelve; thence north on said line to the north line of lots one and eighty-eight; thence west to the Tonawanta creek, be, and the same is hereby erected into a separate town by the name of Amherst; and the first town meeting shall be held at the house of Frederick Miller, in the village of Williamsville, in said town; and that all the remaining part of the said town remain a separate town by the name of Buffalo, and that their first town meeting be held at the house of Raphael Cook, in the village of Buffalo.

Town of Amherst erected

II. *And be it further enacted*, That as soon as may be after the

For the first division

first Monday in May, in the year one thousand eight hundred and nineteen, the supervisors and overseers of the poor of said towns, upon notice previously to be given by the supervisors for that purpose, shall meet and divide the poor and money belonging to the said towns of Amherst and Buffalo, agreeable to the last tax list; and that each of the said towns shall forever thereafter respectively support their own poor.

CHAP. CX.

AN ACT *relative to the courts of common pleas and general sessions of the peace, in and for the county of Schenectady.*

Passed April 10, 1818.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly,* That there shall be one additional term of the courts of common pleas and general sessions of the peace, in and for the county of Schenectady, and that instead of the present times of holding the said courts of common pleas and general sessions of the peace, they shall hereafter be held on the third Tuesdays in May, August, November and February, in every year; and that the said courts shall continue open in each of said terms from day to day, until and including Saturday in the said terms respectively, if the business of the said courts or either of them require it.

II *And be it further enacted,* That all writs, process, notices and recognizances in the said courts of common pleas and general sessions of the peace of the said county of Schenectady, made returnable on the second Tuesday of May, one thousand eight hundred and eighteen, as said May term was heretofore held by law, shall be considered as returnable on the third Tuesday of May, one thousand eight hundred and eighteen, agreeably to the alterations of the terms of said courts by this act; and that all adjournments, appearances, continuances and notices of any proceedings in said courts respectively, shall be held and taken to be made to the said third Tuesday of May, one thousand eight hundred and eighteen, of the said courts respectively, agreeably to the alteration of this act.

CHAP. CXI.

AN ACT *authorising rejected taxes on unsettled lands in the town of Painted Post, in the county of Steuben, to be charged on the same lands.*

Passed April 10, 1818.

Be it enacted by the people of the state of New-York, represented in senate and assembly. That it shall be the duty of the supervisor of the said town of Painted Post, to ascertain all arrearages of taxes on unsettled lands in the said town, which have been re-

jected forward of descriptions, and specifically to designate the same lands (excepting such as are now occupied); and having so ascertained such arrearages and designated such lands, to charge the same with the taxes so rejected in addition to the tax of the present year thereon, and to insert the same in the assessment roll of the present year; and the said rejected taxes so charged, shall be a lien on the said lands, and be returned to the Comptroller's office, and be chargeable with interest, and the like proceedings be had for the collection thereof in all respects as for the tax of the present year.

CHAP. CXII.

AN ACT to incorporate the De Ruyter and Cazenovia turnpike road company,

Passed April 10, 1818.

I. Be it enacted by the people of the state of New-York, represented in senate and assembly, That Solomon Merick, Benjamin Enos, Willard Abbot, John Elmore, Jeremiah Gage, Daniel Glover and Nathan B. Wilber, and such other persons as shall associate for the purpose of making a good and sufficient turnpike road in the county of Madison, described as follows, to wit: beginning at the west bridge in the village of Cazenovia; from thence the most eligible and direct route to the house of John Elmore, in the town of De Ruyter; from thence the nearest and best route to the south line of the town of De Ruyter, at or near the house of Jonathan Tripp, in the town of German, be and they are hereby created a body politic and corporate, by the name and style of "the president, directors and company of the De Ruyter and Cazenovia turnpike road;" and by that name they shall and may have perpetual succession, and shall be, and are hereby made capable in law of suing and being sued, impleading and being impleaded, answering and being answered unto, in all courts and places whatsoever, and shall make and use a common seal, and may alter the same at pleasure; and they are hereby made capable in law of purchasing, holding and conveying any estate, real and personal, for the benefit of said company: *Provided*, that such estate, as well real as personal, so to be purchased and held, shall be necessary to fulfil the end and intent of the said corporation, and to no other purpose whatever.

II. And be it further enacted, That the said road shall be made in every respect agreeably to the directions of the act, entitled "an act relative to turnpike roads," passed 13th March, 1807.

III. And be it further enacted, That the stock of the said company shall consist of four hundred shares, of twenty five dollars each; and that Samuel S. Forman, Solomon Merrick and Nathan B. Wilber, be and they are hereby appointed commissioners to receive subscriptions for said stock in the manner directed in and by said act.

IV. And be it further enacted, That it shall and may be lawful for the said company to erect a gate or turnpike on the said road, at which they shall be entitled to receive of and from every

person travelling on, or using said road, the following rates of toll, to wit : for every cart, waggon or other wheel carriage, drawn by two horses, mules or oxen, twelve and an half cents, and three cents for every additional horse, mule or ox ; for every horse rode, led or driven, four cents : for every cart or waggon, drawn by one horse or mule, six cents : for every wheeled pleasure carriage, drawn by one horse, twelve and an half cents ; for every four wheeled pleasure carriage drawn by two horses, twenty-five cents ; for every sleigh or sled drawn by two horses, mules or oxen, six cents, and in the same proportion if drawn by a greater or less number ; for every score of horses, mules or cattle, twenty cents, and in like proportion for any greater or less number ; for every score of sheep or hogs, eight cents, and in like proportion for any greater or less number ; for every stage waggon drawn by two horses, twelve and an half cents, and three cents for each additional horse : *Provided however*, that it shall be lawful for the said president, directors and company, instead of the gate above authorised to be erected, to erect two gates or turnpikes on the said road, at each of which they shall be entitled to receive half the above rates of toll : *And provided also*, that no such gate or gates shall be erected within one mile of the village of Cazenovia, or within the same distance of the village of De Ruyter.

Proviso.

Further proviso.

Directors.

III. *And be it further enacted*, That the number of directors for managing the concerns of the said corporation shall be five, three of whom shall form a quorum, to be capable of managing the concerns of the said company ; and that the said company hereby incorporated, shall have and enjoy all the rights and privileges, powers and immunities, granted in and by the said act, entitled "an act relative to turnpike companies," passed 13th March, 1807 ; and shall be subject all the conditions, restrictions and regulations contained in the said act.

CHAP. CXIII.

AN ACT to incorporate the Hamilton and Columbus turnpike road company.

Passed April 10, 1818.

I. Be it enacted by the people of the state of New-York, represented in senate and assembly, That Walter Clark, Daniel Curtis, Caleb G. Hall, Charles T. Dering, Rufus Bacon, and all such others as shall associate with them to make a good and sufficient turnpike road, beginning at or near the intersection of the Madison turnpike road with the third great western turnpike road, in the town of Eaton ; thence passing through the village of Hamilton, and by or near Griffin's mills, in the town of Sherburn, and county of Chenango, the best and most eligible route to Griffin's tavern, on the fourth great western turnpike in the town of Columbus, in said county ; and they are hereby created, ordained and constituted a body corporate and politic, by the name of the president and directors of the Hamilton and Columbus road company ; and by that

Company incorporated.

Style.

same they shall and may have perpetual succession, and shall be and are hereby made capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places whatsoever, and shall make and use a common seal, and may alter the same at pleasure; and they are hereby made capable in law of purchasing, holding, and conveying any estate, real or personal, for the benefit of said company: *Provided*, that such estate as well real as personal so to be purchased and held, shall be necessary to fulfil the end and intent of the said corporation, and to no other purpose whatever.

II. *And be it further enacted*, That the said road shall be made in every respect, agreeable to the directions of the act, entitled "an act relative to turnpike roads," passed March 13, 1807. Road.

III. *And be it further enacted*, That the stock of the said company shall consist of one thousand shares of twenty dollars each; and that Charles Thomas Dering, Walter Clark and Roswell Orain, be, and are hereby appointed commissioners to receive subscriptions for said stock in the manner directed in and by the said act. Stock.

IV. *And be it further enacted*, That the said company hereby incorporated, shall be entitled to exact, demand and receive of and from every person travelling on or using said road, at the gate or turnpike to be established in the most convenient and eligible situation thereon, the following sums of money: for every cart, waggon or other wheel carriage, drawn by two horses, mules or oxen, twelve and an half cents, except as hereafter mentioned, and three cents for every additional horse, ox or mule; for every horse rode or driven, four cents; for every cart or waggon, drawn by one horse or mule, six cents; for every wheeled pleasure carriage, drawn by one horse, twelve and an half cents; for every four wheeled pleasure carriage, drawn by two horses, twenty-five cents; for every sleigh or sled, drawn by two horses, mules or oxen, six cents, and in the same proportion if drawn by a greater or less number; for every score of horses, mules or cattle, twenty cents, and in a like proportion for any greater or less number; for every score of sheep or hogs, eight cents, and in a like proportion for a greater or less number; for every stage waggon, drawn by two horses, twelve and an half cents, and three cents for each additional horse. Toll.

V. *And be it further enacted*, That the number of directors for managing the concerns of the company hereby incorporated, shall be seven, four of whom shall be a quorum, and capable of managing the concerns of said company; and that the said company hereby incorporated, shall have and enjoy all the rights and privileges, powers and immunities, in and by the said act, entitled "an act relative to turnpike companies," passed March 13, 1807; and shall be subject to all the conditions, restrictions and regulations contained in the aforesaid act. Directors.

CHAP. CXIV.

AN ACT to incorporate the German and Cincinnati turnpike company.

Passed April 10, 1818.

Company in-
corporated.

Style.

Provided.

Stock.

Toll.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly*, That John Kingman, Jabez A. Beebe and Abel Fairchild, and such other persons as shall associate for the purpose of making a good and sufficient turnpike road, commencing at or near the house of John Kingman, in the town of Cincinnati, in the county of Cortland; thence northerly the most direct route to Abel Fairchild, in the town of German, in the county of Chenango; and thence to extend and terminating at or near the house of Henry Tripp, in said town of German aforesaid; and this corporation shall be, and hereby are created a body politic and corporate, by the name of the German and Cincinnati turnpike company; and they are hereby constituted and declared a body politic, in fact and in name, and by that name they and their successors shall and may have continual succession, and are hereby declared capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever; and also may make and use a common seal, and may alter the same at pleasure; and also, that they are hereby made capable in law of purchasing and conveying any estate, real or personal: *Provided*, such estate, as well real as personal, so to be purchased and held, shall be necessary to fulfil the end and intent of the said corporation, and to no other purpose whatsoever.

II. *And be it further enacted*, That the stock of the said company hereby incorporated shall not consist of more than six hundred shares of twenty-five dollars each; and that John Kingman, Cary L. Beebe and Charles T. Fairchild, are hereby appointed commissioners to receive subscriptions for the said stock, in the manner directed in and by the act, entitled "an act relative to turnpike companies," passed the thirteenth day of March, in the year one thousand eight hundred and seven.

III. *And be it further enacted*, That the said company hereby incorporated shall be entitled to exact and receive at each of the gates or turnpikes to be erected on said road, for any number of miles not less than ten in length of the said road, the following sums of money, and so in proportion for any greater or less distance, from all persons travelling or using the same, the following rates of toll, to wit: for every cart or waggon drawn by two horses, mules or oxen, twelve and one half cents, and three cents for every additional horse or ox attached to such waggon or cart; for every coach, coachee, phaeton or curricule with two horses, twenty-five cents, and six cents for every additional horse; for every sulkey, chair, chaise or other one horse pleasure carriage, twelve and one half cents; for every waggon or cart drawn by one horse, eight cents; for every horse and rider six and one quarter cents; for every horse, driven or led, three cents; for every sleigh or sled,

drawn by two horses, mules or oxen, eight cents, and so in proportion for a greater or less number; for every score of horses, cattle or mules twelve and one half cents. and so in proportion for a greater or less number; for every score of sheep or hogs, eight cents, and so in proportion for any greater or less number.

IV. *And be it further enacted*, That the corporation hereby created, shall have and enjoy all the rights and privileges, powers and immunities, which are given and granted in and by the aforesaid act, entitled "an act relative to turnpike companies;" and shall be subject to all the conditions, provisions, restrictions and regulations contained in the said act, except so far as is otherwise herein provided and enacted. General post-off.

V. *And be it further enacted*, That this act shall be deemed and taken to be a public act, and shall be liberally construed to effect the end and purpose hereby intended and contemplated. Public act.

CHAP. CXV.

AN ACT to revive and declare in full force an act, entitled "an act to incorporate a company for making a turnpike road from New Paltz, westward, and for other purposes."

Passed April 10, 1818.

WHEREAS by the act, entitled "an act to incorporate a company for making a turnpike road from New Paltz, westward, and for other purposes," passed April 7, 1807, it is provided, that certain commissioners should be appointed to lay out and designate a turnpike road in one of three several routes therein mentioned: *And whereas* William Wilson, Medad Butler and Moncrief Livingston, were duly appointed such commissioners, and did proceed to designate and lay out the route of said turnpike road, and did file a map and certificate thereof, in the office of the clerk of Ulster county, within the period required by the said act: *And whereas* by the 17th section of the said act, it is provided, that if the corporation therein mentioned shall not commence their operations within two years after the passing of the said act, and should not complete the said road within five years thereafter, the said act should cease and be void: *And whereas* Daniel H. Ostrom, Josiah B. Elting and John Noyes and others, inhabitants of the counties of Dutchess and Ulster, have, by their petition presented to the legislature, set forth, that from various causes the said road was not completed within the time limited by law, whereby the said act has become void; and have requested that the same may be revived and declared to be in full force, and that the proceedings of the said commissioners under the said act may be confirmed: Therefore,

Preamble.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly*, That the act, entitled "an act to incorporate a company for making a turnpike road from New Paltz, westward, and for other purposes," passed April 7, 1807, be and the same is hereby revived and declared in full force; and that the proceedings and acts of the commissioners heretofore appointed in

A certain act revived.

pursuance of the first section of the said act, shall be and the same are hereby confirmed and established.

Commission-
ers appointed

II. *And be it further enacted*, That Daniel H. Ostrom, Josiah R. Elting and John Noyes, be, and they are hereby appointed commissioners to perform all the duties mentioned and specified in the fourth section of the said act hereby revived; and that the said commissioners shall proceed to open the subscription therein mentioned, before the first day of December next.

Power to al-
ter the route.

III. *And be it further enacted*, That the said corporation shall have power to alter the route of the said turnpike road as laid down and designated by the said William Wilson, Medad Butler and Moncrief Livingston, in such manner as they may deem expedient: *Provided*, that the said road shall commence at the landing formerly of Davis and Elmore, in the town of New Paltz, and shall not vary from the said route in any place above the distance of one mile: *And provided further*, that it shall be the duty of the president and directors of the said company, to cause a correct map of such alterations to be made and filed in the office of the clerk of Ulster county, before they shall commence the working of the said road.

Act to be
void if road
not comple-
ted.

IV. *And be it further enacted*, That in case the said turnpike road shall not be completed according to the true intent and meaning of the act hereby revived, within the space of five years from the said first day of December next, then this act, and all said act hereby amended, shall cease and be void.

CHAP. CXVI.

AN ACT to enable the trustees of the first Baptist Church, in the town of Norwich, in the county of Chenango, to sell a certain lot of land therein mentioned.

Passed April 10, 1818.

WHEREAS the trustees of the first Baptist Church, in the town of Norwich, in the county of Chenango, by their petition, have applied to the legislature to be authorized to sell a certain lot of land for the benefit of the said church: Therefore,

Be it enacted by the People of the State of New-York, represented in senate and assembly, That it shall be lawful for the trustees of said church to sell, dispose of and convey, in fee simple, all that certain lot of land, situate, lying and being in the tenth township in the town of Norwich, in the county of Chenango, bounded on the east and north by the lands of Abner Purdy, on the west by the lands of Edmund G. Perlee and the burying ground, and on the south by the turnpike road, containing two acres of land.

CHAP. CXVII.

AN ACT to incorporate the *Cazenovia and Chittenengo turnpike company.*

Passed April 10, 1818.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly,* That William K. Fuller, Samuel Sizer, junior, Elisha Carey, and all such other persons as shall associate for the purpose of making a good and sufficient turnpike road, to begin at the village of Cazenovia, thence in the most direct route as land and circumstances will admit, on the west side of the Chittenengo creek to the Seneca turnpike, in the town of Sullivan, and their successors and assigns, be, and they are hereby created and appointed a body politic and corporate, in fact and in name, by the name of "the Cazenovia and Chittenengo turnpike company," and by that name shall have perpetual succession, and shall be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and in all manner of actions and causes whatsoever; and by the same name and style, shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of the said corporation: *Provided,* that such estate as well real as personal, so to be purchased and held, shall be such only as shall be necessary to fulfil the end and intent of the said corporation.

Company incorporated.

Style.

II. *And be it further enacted,* That the stock of the said company hereby incorporated, shall consist of four hundred shares of twenty dollars each; and that Samuel Sizer, junior, William K. Fuller and Perry G. Childs be, and they are hereby appointed commissioners to receive subscriptions for the said stock, in the manner directed in and by the act, entitled "an act concerning turnpike roads," passed the tenth day of April, one thousand eight hundred and thirteen.

Stock.

III. *And be it further enacted,* That the company hereby incorporated, shall not be entitled to erect or maintain more than one gate on said road, and shall be entitled to exact and receive at said gate, from all persons travelling and using the said road, the following rates of toll: for every waggon with two horses, not exceeding twelve and an half cents, and for every additional horse used in such waggon, three cents; for every one horse cart, six cents, and for every additional horse, three cents; for every coach, four wheeled pleasure carriage or pleasure waggon, drawn by two horses, twenty-five cents, for every additional horse, six cents; for every chair or pleasure carriage, with one horse, twelve and an half cents, for every additional horse, six cents; for every cart drawn by two oxen, eight cents, and for every additional yoke, three cents; for every sled from the fifteenth day of December to the fifteenth day of March, in each year, one half the toll demanded of carriages for the transportation of burthens; for every score of cattle, six cents; for every score of sheep or hogs, three cents, and so in proportion for any greater or less number of cattle, sheep or hogs,

Toll.

General powers. IV. *And be it further enacted*, That the said company hereby incorporated, shall have and enjoy all the rights, privileges, powers and immunities which are given and granted in and by the aforesaid act, entitled "an act concerning turnpike roads," and shall be subject to all the conditions, provisions and restrictions contained in said act.

Commissioners to lay out road. V. *And be it further enacted*, That Perry G. Childs, John Knowles and Elisha Carey, or any two of them, be and they are hereby appointed commissioners to lay out and establish said road.

CHAP. CXVIII.

AN ACT to incorporate the Blenheim and Jefferson turnpike company.

Passed April 10, 1818.

Company incorporated. I. *Be it enacted by the people of the state of New-York, represented in senate and assembly*, That Anthony Judd, Silas Bradford, Elijah Van Horne, Aaron Stephens, Ariel Wellman, and such other persons as shall associate for the purpose of making a good and sufficient turnpike road in Schoharie county, to commence at the Susquehanna turnpike road near the house of Elijah Van Horne, in the town of Blenheim, and from thence to take the most direct, convenient and eligible route to the Albany and Delaware turnpike, near the house of Anthony Judd, in the town of Jefferson, be and are hereby created, ordained and constituted a body corporate and politic, by the name of "the president and directors of the Blenheim and Jefferson turnpike road company," and by that name they shall and may have perpetual succession, and shall and are hereby made capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places whatsoever; and shall make and use a common seal, and may alter the same at pleasure; and they are hereby made capable in law of purchasing, holding and conveying any estate, real and personal, for the benefit of said company: *Provided*, That such estate, as well real as personal, so to be purchased and held, shall be necessary to fulfil the end and intent of the said corporation, and to no other purpose whatsoever.

Style. II. *And be it further enacted*, That the said road shall be made in every respect agreeably to the directions of the act, entitled "an act relative to turnpike roads," passed March 13, 1807.

Proviso. III. *And be it further enacted*, That the stock of the said company shall consist of two hundred and twenty-five shares, of twenty dollars each; and that Silas Bradford, Anthony Judd and Elijah Van Horne, be and they are hereby appointed commissioners to receive subscriptions for said stock, in the manner directed in and by the said act.

Road how made. IV. *And be it further enacted*, That the said company hereby incorporated, shall be entitled to exact, demand and receive of and from every person travelling on or using said road, at the gate or turn-

Stock.

Toll.

pike to be established in the most convenient and eligible situation thereon, the following sums of money ; for every cart, waggon, or other wheeled carriage, drawn by two horses, mules, or oxen, ten cents, and three cents for every additional horse, mule or ox ; for every cart or waggon drawn by one horse or mule six cents ; for every wheeled pleasure carriage drawn by one horse, ten cents ; for every pleasure four wheeled carriage drawn by two horses, twenty cents ; for every sleigh or sled drawn by two horses, mules or oxen, six cents, and in the same proportion if drawn by a greater or less number ; for every horse rode, six cents, and every horse led or driven, two cents ; for every score of horses, mules or cattle, twenty cents ; for every score of sheep or hogs, eight cents, and in like proportion for a greater or less number.

V. *And be it further enacted*, That the number of directors for managing the concerns of the said company hereby incorporated, shall be seven, four of whom shall be a quorum and capable of managing the business and concerns of the said company ; and that the said company hereby incorporated, shall have and enjoy all the rights, privileges, powers and immunities in and by the said act, entitled " an act relative to turnpike companies," passed March 13, 1807 ; and shall be subject to all the conditions, restrictions and regulations contained in the aforesaid act.

Directors.

General powers.

CHAP. CXIX.

AN ACT to amend an act, entitled " an act. making provision for draining Swamps and Bog meadows, in the counties of Orange and Dutchess.

Passed April 10, 1818.

I. *Be it enacted by the People of the State of New-York, represented in senate and assembly*, That all the provisions contained in the act hereby amended, in relation to cases in which the inspectors, or their successors in the said act mentioned, shall find it necessary to continue such ditch or ditchess as in the said act are mentioned through lands adjoining any such tracts of swamp or bog meadow as in the said act are mentioned, for the purpose of draining the same more effectually, shall be and hereby are extended to cases in which such inspectors, or their successors, shall find it necessary to continue such ditch or ditches through lands not adjoining any such tracts of swamp or bog meadow, for the purpose of draining the same more effectually.

Former act extended.

II. *And be it further enacted*, That the said inspectors, or their successors, are hereby authorised to remove such obstructions in any creeks or streams as may hinder or prevent the effectual draining of such tracts of swamp or bog meadow, and to lower any pond or ponds which they shall find it necessary to lower for the purpose of more effectually draining such tracts of swamp or bog meadow ; and that the expense of removing such obstructions, and of lowering any such pond or ponds, shall be paid out of the money to be raised for draining such tracts of swamp or bog meadow, according

Power of inspectors.

Damage how
paid for.

to the provisions of the said act ; and that any damage that may happen to any person or persons by means of the removal of any such obstruction, or by lowering any such pond or ponds, shall be settled and paid for in like manner as the damage to the owner or owners of land through which such ditch or ditches as aforesaid may be continued, according to the provisions of the sixth section of the said act, is in and by the said section of the said act directed to be settled and paid for.

Extended to
Orange but
not to Dutch-
ess.

III. *And be it further enacted*, That the several provisions in this act contained, shall extend to the county of Orange only, and shall not extend to the county of Dutchess.

CHAP. CXX.

AN ACT relative to the Harbor of Buffalo creek, in the county of Niagara.

Passed April 10, 1818.

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That the person administering the government of this state, be and he is hereby authorised to appoint some fit and proper person, whose duty it shall be to examine the outlet of Buffalo creek, and cause a survey and plan to be made of such improvement as he may think fit and proper for the improvement of the said outlet, so as to form a safe and commodious harbor for vessels navigating lake Erie, together with an estimate of the probable expense, and that he report the same to the next legislature ; for which services he shall be paid three dollars per day for each and every day necessarily employed in the same ; and the supervisors of the county of Niagara are hereby authorised and required to audit and allow the same, and cause it to be levied, collected and paid as the other contingent expenses of the county are levied, collected and paid.

CHAP. CXXI.

AN ACT relative to Little Sodus Bay and Great Sodus Bay.

Passed April 10, 1818.

I. *Be it enacted by the People of the state of New-York, represented in senate and assembly*, That it shall be the duty of the person administering the government of this state, as soon as may be after the passing of this act, to appoint one commissioner, whose duty it shall be to examine the bay of little Sodus and the outlet connecting the same with lake Ontario, and also great Sodus bay on said lake ; and to report to the legislature, at their next session, the practicability and probable expense of making a convenient harbor on the said bays.

II. *And be it further enacted*, That the said commissioner shall

receive three dollars for each day he shall be employed in making the examination as aforesaid, to be paid by the treasurer of this state, on the warrant of the comptroller, out of any monies in the treasury not otherwise appropriated.

CHAP. CXXII.

AN ACT for the relief of John McMahan.

Passed April 10, 1818.

Be it enacted by the People of the State of New-York, represented in senate and assembly, That the treasurer of this state, on the warrant of the comptroller, shall pay to John McMahan, the sum of one hundred and twenty-five dollars, for provisions furnished by him for the troops under his command in the service of this state, in the months of December, in the year one thousand eight hundred and thirteen, and January, in the year one thousand eight hundred and fourteen, out of any monies in the treasury not otherwise appropriated.

CHAP. CXXIII.

AN ACT to prevent the destruction of Fish in the town of Carmel, in the county of Putnam.

Passed April 10, 1818.

I. BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That from and after the passing of this act, it shall not be lawful for any person or persons, at any time or in any manner whatsoever, before the first day of June, in the year one thousand eight hundred and twenty, to take any fish of any kind, or to use any means for taking them, in the waters of a certain pond in the town of Carmel, in the county of Putnam, commonly known by the name of Shaw's pond.

No fishing in Shaw's pond during a certain period.

II. And be it further enacted, That if any person or persons shall take any fish, or use any means for taking them, in the waters of the said pond, he or they shall incur a penalty of ten dollars for each and every offence, to be sued for and recovered by any person who will prosecute for the same, in an action of debt, in his own name, with costs of suit, in any court having cognizance of the same; the one moiety of which sum, when recovered, shall be paid by the person recovering the same to the overseers of the poor of the said town of Carmel, for the use of the poor thereof.

CHAP. CXXIV.

AN ACT to divid the town of Perry, in the county of Cattaraugus.

Passed April 10, 1818.

Town of Little Valley erected.

I. Be it enacted by the people of the state of New-York, represented in senate and assembly, That from and after the first day of March next, all that part of the town of Perry, in the county of Cattaraugus, lying south of the east and west line running through said town, between the fourth and fifth tier of townships in the Holland land company's purchase, be and is hereby erected into a separate town by the name of Little Valley; and the first town meeting shall be held at the dwelling house of Jared Benedict, on the first Tuesday of March next.

Residue called Perrysburgh.

II. And be it further enacted, That all the remaining part of said town of Perry, shall remain a separate town by the name of Perrysburgh; and the first town meeting shall be held at the dwelling house of Simon Waterman, on the first Tuesday of March next.

Poor and monies to be divided.

III. And be it further enacted, That as soon as may be after the first Tuesday of April next, the supervisors and overseers of the poor of the aforesaid towns shall, by notice to be given for that purpose by the supervisors thereof, meet together and apportion the poor maintained by said town of Perry, and the poor money belonging to the same previous to the division thereof, agreeable to the last tax list, and that each town shall forever thereafter maintain its own poor.

CHAP. CXXV.

AN ACT for the preservation of the fishery in Thompson pond, in the town of Stanford, in the county of Dutchess.

Passed April 10, 1818.

Be it enacted by the people of the state of New-York, represented in senate and assembly, That from and after the passing of this act, until the first day of June, in the year one thousand eight hundred and twenty, it shall not be lawful for any person or persons to draw a seine, fish or angle in the pond commonly called Thompson's pond, situate in the said town of Stanford; and any person offending herein, shall, for every such offence, forfeit the sum of five dollars, to be recovered by any person who will sue for the same, by action of debt, with costs, before any court having cognizance thereof.

CHAP. CXXVI.

AN ACT relative to the fourteenth Congressional District.

Passed April 10, 1818.

Be it enacted by the people of the state of New-York, represented in senate and assembly, That the towns of Salisbury, Man-

Heim and Danube, annexed to the county of Herkimer, by the act, entitled "an act to enlarge Herkimer county," passed the seventh day of April, 1817, shall continue to be a part of the fourteenth district for electing members to the house of representatives of the congress of the United States; and that it shall be the duty of the inspectors of election of the said towns, to return the votes given for members of the said house of representatives, to the clerk's office of the county of Montgomery; and it is hereby made the duty of the clerk of the county of Montgomery, to receive said votes, and to transmit the same to the secretary of state, agreeably to the sixteenth section of the act for regulating elections.

CHAP. CXXVII.

AN ACT to incorporate the young men's Missionary Society of New-York.

Passed April 10, 1818.

WHEREAS John D. Keese, William Poe and others, have formed themselves into a society for the purpose of propagating the Gospel of Jesus Christ and have, by their petition to the legislature, prayed to be incorporated in order the better to promote the above laudable purposes: Therefore,

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly,* That all such persons as now are or may hereafter become members of the said society, shall be and hereby are ordained, constituted and appointed a body politic and corporate, in fact and in name, by the name of "the young men's missionary society of New-York," and that by that name they and their successors shall and may forever thereafter have continual succession; and shall be persons in law capable of suing and being sued, pleading and being impleaded, in all courts and places whatsoever, in all manner of action and actions, suits, matters, complaints, and causes whatsoever; and that they and their successors may have a common seal, and may change and alter the same at their pleasure; and also, that they and their successors, by the name of the young men's missionary society of New-York, shall be in law capable of purchasing, holding and conveying any estate, real and personal, for the use of the said society: *Provided always,* that such real and personal estate shall not at any time exceed the annual value of five thousand dollars.

II. *And be it further enacted,* That for the better carrying into execution the objects of the said society, there shall be a board of managers, the members of which shall possess such qualifications as to age and other respects as shall be regulated by the by-laws of the said society, and which board shall consist of the following officers, to wit, one president, two vice presidents, one treasurer, one corresponding secretary, one clerk, one assistant clerk, and thirteen other directors, making in all twenty; that the officers of the board shall be equally officers of the society, and the said officers and direc-

Vacancies.

tors shall hold their offices for one year, or until others are chosen in their room; and shall be elected on the second Monday in December, or at such other time and place, and in such manner as the said society at a regular meeting thereof, shall from time to time appoint and direct; and that in case any vacancy should happen in the said board by death, resignation, declension or otherwise, such vacancies shall and may be filled up for the remainder of the year in which they shall happen, by an election of the board of managers, to be held in such manner and at such times and places as the said board of managers may appoint and direct.

Names of the first managers.

III. *And be it further enacted*, That John D. Keese, Guysbert B. Vroom, David S. Lyon, Jonathan W. Kellogg, Alexander McClelland, William Poe, Marcus Wilbur, Robert B. E. McLeod, Henry Blatchford, James M. Mathews, John Knox, John Nitchie, Harris Scovell, James Ruthven, James R. Manley, John A. Lent, Lawrence V. Deforest, William Smith, Rufus L. Nevins and William Tuthill, shall be the first board of managers of the said society; and that John D. Keese, shall be the president, Guysbert B. Vroom, the first vice president, David S. Lyon, the second vice president, Alexander McClelland, the corresponding secretary, Jonathan W. Kellogg, the treasurer, William Poe, the clerk, and Marcus Wilbur, the assistant clerk, until the next second Monday of December, or until others shall be chosen in their stead.

Officers.**Power of Corporation.**

IV. *And be it further enacted*, That the said corporation shall have power to make and establish such by-laws, rules and regulations, as they shall from time to time judge proper, for the election of their officers and directors, for the election or admission of new members of the said corporation, and the terms and manner of admission; and also, for the management and disposition of the stock, property, estate and effects, for the purpose of carrying into effect the objects of the said society, and for fixing the times and places of the meetings of the society, for regulating the manner of conducting their business when met, and touching the duties and conduct of the managers of the said corporation, and all such other matters as appertain to the business and purposes for which the said corporation is by this act constituted, and for no other purposes whatsoever: *Provided always*, that no regulations shall be made in any wise to control the religious principles or affect the rights of conscience of any person whatsoever: *And provided further*, that such by laws, rules and regulations be not repugnant to the constitution or laws of the United States or of this state.

Exorbitant**Public act.**

V. *And be it further enacted*, That this act shall be a public act, and shall be construed favorably in all courts and places for every purpose therein intended.

CHAP. CXXVIII.

AN ACT *relative to the managers of a free school in the town of Flushing, in Queens county.*

Passed April 10, 1818.

WHEREAS Lætitia Franklin, Maria Farrington, Sarah H. Farrington, Sarah B. Lowrie and Catharine Bowne, managers of a free school in the town of Flushing, in the county of Queens, have represented to the legislature, that in school district number five in said town no school is taught, or likely to be taught, in conformity to the act for the better establishing of common schools ; but that a school under the superintendence of said managers is taught in said district, principally for the gratuitous instruction of poor children : Therefore,

Be it enacted by the people of the state of New-York, represented in senate and assembly, That it shall and may be lawful for the commissioners of common schools of the town of Flushing, in the county of Queens, at their discretion, so long as no school is taught in district number five, in said town, in conformity to the act for the better establishment of common schools, to pay to the managers of the free school association in said town, the monies apportioned to school district number five : *Provided*, that the managers of said association shall annually certify to the commissioners, the faithful application of the monies so paid to them, to the instruction of the indigent children in said district.

School monies to be paid to the managers of a certain association.

Provide.

CHAP. CXXIX.

AN ACT *supplemental to an act, entitled " an act relative to incorporations and the division of counties."*

Passed April 10, 1818.

Be it enacted by the people of the state of New-York, represented in senate and assembly, That from and after the passing of this act, upon all applications intended to be made to the legislature of this state for removing any court-house, or imposing a tax for the laying out, making or improving any road in or through the several counties of this state, or for any local purposes where all or any part of the inhabitants of said counties are proposed to be taxed, it shall be the duty of such applicants to give the like notice, and make the same proof thereof, as is prescribed in the first section of the act, entitled " an act relative to incorporations and the division of counties," passed March 26, 1813.

Q.

CHAP. CXXX.

AN ACT relating to the courts of common pleas and general sessions of the peace in and for the county of Westchester, and for regulating the time for holding the same.

Passed April 10, 1818.

Courts where
holden.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly,* That the act, entitled "an act relating to the courts of common pleas and general sessions of the peace in and for the county of Westchester, and for regulating the time for holding the same," passed February 21, 1817, be and the same is hereby repealed; and that the courts in future to be holden in and for the said county of Westchester, shall be held at the same time and places as before the law hereby repealed was enacted, and that the next May term shall be holden in the court-house in the town of White Plains.

Monies to be
paid to trustees
of Sing-
sing.

II. *And be it further enacted,* That the court of common pleas in and for said county, shall appoint three commissioners to ascertain the sum or sums of money expended by the trustees of the village of Singing, exclusively for the accommodation of said court, and report the same to the next meeting of the board of supervisors of said county, whose duty it shall be to audit the same and direct the collection thereof with the contingent charges of the county, and that the treasurer of said county pay the same to the trustees of said village.

CHAP. CXXXI.

AN ACT to raise money for the support of the poor in the town and village of Utica.

Passed April 10, 1818.

Be it enacted by the people of the state of New-York, represented in senate and assembly, That it shall be the duty of the supervisors of the county of Oneida, at their annual meeting in said county, to cause to be levied and collected on the real and personal estate, in the town and village of Utica, in said county, such sum of money as the trustees of said town and village shall certify to them is necessary to be raised for the support of the poor of said town and village; such money to be levied and collected in the same manner as the contingent expenses of the other towns in said county are levied and collected, and when collected, to be paid over to the treasurer of said town and village for the purpose aforesaid, and to be subject to the order and control of said trustees.

CHAP. CXXXII.

AN ACT *relative to criminal proceedings in certain cases.*

Passed April 10, 1818.

Be it enacted and declared by the people of the state of New-York, represented in senate and assembly, That where any person is indicted or recognized to appear in any court within this state, and who may be acquitted by the verdict of a jury, or discharged by proclamation or otherwise, it shall not be lawful for any officer of any court, or minister of justice, to exact or receive any fees from such person so acquitted or discharged, any law, custom or usage to the contrary notwithstanding.

CHAP. CXXXIII.

AN ACT *to annex part of the town of Russell to the town of Fowler, in the county of St. Lawrence.*

Passed April 10, 1818.

Be it enacted by the people of the state of New-York, represented in senate and assembly, That from and after the passing of this act, all those tracts of land known and distinguished on a map of this state, made by the surveyor general, as the townships of Fitzwilliam and Edwards, heretofore included in the town of Russell, be and the same are hereby annexed to the town of Fowler.

CHAP. CXXXIV.

AN ACT *for the support of Lowville Academy.*

Passed April 10, 1818.

Be it enacted by the people of the state of New-York, represented in senate and assembly, That the commissioners of the land office be and are hereby authorised and required to grant, by letters patent, to the trustees of the Lowville academy, and their successors, in fee simple, one of the lots, containing by estimation six hundred and forty acres, which were reserved by law within the ten townships located on the St. Lawrence, now in the county of St. Lawrence, for promoting literature, (and which now remains unappropriated); and the said commissioners are to select either one of said lots which they may deem proper, to be patented as aforesaid; and it shall be the duty of said trustees, in case they shall sell the same or any part thereof, to loan the money arising on such sale on landed security of double the value, exclusive of the buildings thereon, and apply the interest arising from such loan forever to the support of instruction in said academy, and for no other purpose.

CHAP. CXXXV.

AN ACT to erect a new town from the town of Argyle, in the county of Washington.

Passed April 10, 1818.

Town of Fort Edward created. I. *Be it enacted by the people of the state of New-York, represented in senate and assembly,* That all that part of the town of Argyle, in the county of Washington, lying west of a line beginning on the north line between lots numbers one hundred and lots number twenty seven and one hundred and twenty-eight, thence south to the south-west corner of lot number one hundred and twenty-six, thence east to the east bounds of Schuyler's patent, thence southwardly on the east bounds of said patent, to the north line of the town of Greenwich, &c, and the same is hereby erected into a separate town by name of *Fort Edward*; and that the first town meeting of said town shall be held at the dwelling house of Solomon Emmous in said town.

Town officers to be elected. II. *And be it further enacted,* That it shall be lawful for the inhabitants of said town of Fort Edward, previous to their first annual town meeting, ten days previous notice having been given by advertisements put up in three public places in said town, signed by at least four freeholders of said town, to meet and elect such town officers, in addition to those residing within such town, and elected at the last annual town meeting of the aforesaid town of Argyle, as they may deem necessary, agreeable to the provisions of the act relative to the duties and privileges of towns, passed March 19, 1813.

Town. III. *And be it further enacted,* That the town of Fort Edward shall support all such paupers as were legally settled within the limits thereof, on the first day of February, one thousand eight hundred and eighteen: *And further,* it shall be the duty of the present supervisor of the said town of Argyle, after the taxes of the current year shall have been paid into his hands, and after having discharged all outstanding claims against said town, to pay over to the overseers of the poor of the town of Fort Edward, the surplus monies which may remain in his hands, in such proportion as they may have been collected from the inhabitants of said town of Fort Edward: *And further,* the annual town meeting in said town of Fort Edward, shall be held on the first Tuesday of March:

Taxes.

Town meeting.

CHAP. CXXXVI.

AN ACT concerning lotteries.

Passed April 10, 1818.

Duty of certain managers. I. *Be it enacted by the people of the state of New-York, represented in senate and assembly,* That it shall be the duty of the managers appointed under the act in tituting a lottery for the promotion of literature, and for other purposes, passed April 13th 1814, to commence the sale of tickets immediately after the drawing of the fifth class of the medical science lottery shall have been

completed, and that if the avails of the fifth class of the medical science lottery shall not be equal to the payment of all the monies directed by law to be raised in that particular lottery, the deficiency shall be transferred to the lottery for the promotion of literature, and paid or reimbursed out of the first monies arising therefrom.

II. *And be it further enacted*, That if any balance shall remain of the avails of the said fifth class of the medical science lottery, after paying or reimbursing all the grants directed by law to be raised in that particular lottery, the balance so remaining shall be transferred to the lottery for the promotion of literature, and applied according to the provisions of the same.

Certain balance transferred.

III. *And be it further enacted*, That it shall be the duty of the managers of the lottery for the promotion of literature, to submit the plan of each successive class thereof to the comptroller of this state, for his approbation, and the comptroller shall determine the amount to be raised by each class, and the respective times of drawing the same.

Comptroller's duty.

IV. *And be it further enacted*, That it shall be the express duty of the managers of lotteries already appointed or hereafter to be appointed, under any law of this state, to collect proofs of the infraction of the law of this state, in respect to private lotteries, in respect to the sale of tickets in the lotteries of other states, and in respect to the insurance of lottery tickets, and the said managers shall prosecute and bring to justice all persons offending in the premises.

Duty of managers as to infractions of certain laws.

V. *And be it further enacted*. That the person administering the government of this state, shall be and he is hereby vested with authority to remove from office any manager or managers of any lottery, and to appoint others in his or their stead, whenever in his opinion the public good shall require such removal and appointment.

Executive to have power to remove managers.

VI. *And be it further enacted*, That it shall be the duty of the managers of the lottery for the promotion of literature, after six years shall have expired from the time of the passing of the act instituting the same, in the subsequent classes, in such manner and proportions as the comptroller shall deem proper, to raise the additional sum that may be requisite for complying with the provisions of the act to provide for the punctual payment of prizes drawn in Union college lottery number two: *Provided always*,

Duty of certain managers.

VII. *And be it further enacted*, That nothing in this act contained shall be held or construed to increase the sum or sums of money heretofore granted and authorized to be raised by the act entitled "an act to institute a lottery for the promotion of literature," passed April 19, 1814.

Sum not to be increased.

CHAP. CXXXVII.

AN ACT to amend an act, entitled "An act to incorporate the Ocean Insurance Company."

Passed April 10, 1818.

I. *Be it enacted by the People of the State of New-York, represented in senate and assembly*, That it shall be lawful for the Ocean

Capital stock reduced, Insurance Company to reduce the amount of its capital stock, from five hundred thousand dollars to three hundred and fifty thousand dollars, and that from and after the time when such reduction shall be resolved on, and decreed by the board of directors for the time being, of the said company, a share in the capital stock thereof shall be thirty-five dollars.

Duration of charter. II. *And be it further enacted,* That the charter and all and singular the corporate rights and privileges of the said company shall continue until the first day of January, in the year one thousand eight hundred and forty: *Provided,* That nothing contained in this act, or in the act hereby amended, shall be construed to authorise the said company to have, use or enjoy any banking rights and privileges whatsoever.

Provided

CHAP. CXXXVIII.

AN ACT relating to the Mohawk Bridge Company.

Passed April 10, 1818.

Preamble. WHEREAS an agreement was entered into by the corporation of the city of Schenectady and the president and directors of the Mohawk Bridge Company, relative to the toll to be taken and received from the citizens of said city, for crossing said bridge, for a limited time, which time having expired, and the said citizens having petitioned to have the same rates made perpetual, to which the said president and directors have assented: Therefore,

Toll regulated in certain cases. I. *Be it enacted by the people of the state of New-York, represented in senate and assembly,* That no more or greater toll shall be demanded from the citizens of Schenectady, for crossing the Mohawk Bridge, at the city of Schenectady, than the following, to wit: every live sheep, hog, or calf, one and a half cents; every head of horned cattle nine cents; every horse, jack or mule, led or rode, six and a quarter cents; every two wheel pleasure carriage, drawn by one horse, jack or mule, twelve and a half cents, and six and a quarter cents for every additional horse, jack or mule; every four wheel pleasure carriage, the body whereof is supported by springs or thorough braces, drawn by one horse, jack or mule, eighteen and three quarter cents, and six and a quarter cents for every additional horse, jack or mule; every pleasure waggon drawn by one horse, jack or mule, twelve and a half cents, and six and a quarter cents for every additional horse, jack or mule; every stage waggon drawn by one horse, jack or mule, twelve and a half cents; every stage waggon drawn by two horses, jacks or mules, twelve and a half cents, and six and a quarter cents for every additional horse, jack or mule; every freight or burthen waggon drawn by one horse, jack or mule, six and a quarter cents; every freight or burthen waggon drawn by two horses, jacks, mules or oxen, nine and a half cents, and four and a half cents for every additional horse, jack, mule or ox; every freight or burthen waggon going to a foreign market with wood, hoop-poles, staves or barrels, drawn by two horses, jacks, mules or oxen, when going to market eighteen and three quarter cents,

and when returning from market nine and a half cents, and four and a half cents for every additional horse, jack, mule or ox; every cart or other two wheel carriage of burthen, drawn by one horse, jack, mule or ox, six and a quarter cents; every cart or other two wheel carriage of burthen, drawn by two horses, jacks, mules or oxen, ten and a half cents, and four and a half cents for every additional horse, jack, mule or ox; every sleigh or sled of any description, drawn by two horses, jacks, mules or oxen, nine and a half cents, and four and a half cents for every horse, jack, mule or ox; every foot passenger one cent; every load of lime, timber, staves, hoop-poles or other articles, not the produce of the farms, drawn by two horses, jacks, mules or oxen, coming into the first or second wards of Schenectady, twelve and a half cents, and nine and a half cents when such waggon shall return empty; every additional horse, jack, mule or ox four and a half cents.

II. *And be it further enacted*, That it shall and may be lawful for the president and directors of the said company, to demand and receive from every person or persons passing the gate or gates erected on said bridge, with every stage, freight or burthen waggon, drawn by more than four horses, jacks, mules or oxen, the same tolls as they were formerly allowed to take in and by an act concerning the president and directors of the Mohawk bridge company, passed March 30th, 1809, and the like tolls on all other carriages drawn by more than four horses, jacks, mules or oxen, any law to the contrary thereof notwithstanding.

Toll of stage freight and burthen waggons.

Toll of other carriages.

III. *And be it further enacted*, That it shall not be lawful for the said president and directors to erect any additional piers under said bridge in the river, without previously having the place where the said piers are to be placed, and the situation of the lands contiguous to the said bridge, examined by two persons not interested in said bridge company, to be appointed by the chancellor or one of the justices of the supreme court, competent to judge of the same, and filling their certificate in the clerk's office, in the county of Schenectady, stating that in their opinion, the piers may be erected without injury to any of the adjoining lands by obstructing the said river: *Provided*, that nothing in the preceding section contained shall be construed to take away any right of action that any person or persons may have for any damage he or they may sustain by the erection of such piers.

Piers when allowed to be erected.

Proviso.

IV. *And be it further enacted*, That it shall be the duty of the treasurer of the aforesaid president and directors of the Mohawk bridge company, to allow any stockholder at all reasonable times to examine the accounts and ascertain the state of the funds of the said company, and to examine and ascertain the names of the stockholders in said company, and that at every election of directors an account current of the past year shall be open for the inspection of the stockholders, as audited by a committee of the directors, together with a state of the funds of the said company, and the debts owing by them.

Duty of the treasurer of the company.

V. *And be it further enacted*, That the toll gatherer or toll gatherers of said bridge shall not be bound to allow any person or persons to pass the gate or gates thereof, at the mitigated rates of toll as citizens of Schenectady, in cases wherein he has not satisfac-

Evidence required in certain cases.

tory evidence of such person or persons being such citizen or citizens, until satisfactory proof shall be exhibited to him, nor shall he refund any part of full tolls received from such citizen, unless such proof be exhibited within ten days after the taking of the same.

Certain section repealed VI. *And be it further enacted*, That the third section of an act to encrease the rates of toll for crossing the Mohawk bridge at the city of Schenectady, and for other purposes, passed the 24th of March, 1815, except the proviso therein contained, be and the same is hereby repealed.

CHAP. CXXXIX.

AN ACT for appointing a special term of a court for the trial of impeachments and the correction of errors.

Passed April 10, 1818.

Preamble.

WHEREAS there are so many cases of appeal and writs of error now pending before the court for the trial of impeachments and the corrections of errors, that the same cannot be argued and decided with due deliberation, during the present session of the legislature: Therefore,

Special term of court of errors to be held.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly*, That a special term of session of the said court shall be holden at the capitol in the city of Albany, to commence on the first Tuesday of September next, for the dispatch of business in said court, subject in all other respects to the regulations and provisions of the act, entitled "an act concerning the court for the trial of impeachments and the correction of errors," passed the 20th day of February, one thousand eight hundred and one.

Compensation to members &c.

II. *And be it further enacted*, That the president of the senate, and the senators who shall attend the said term or session of the said court, and the clerk and cryer of the said court, shall be entitled to, and receive for such attendance, and their travelling, the same rate of compensation as shall be allowed the members of the legislature at the present session, which compensation shall be paid in the manner directed by the act, entitled "an act for the support of government," passed February 17, 1813.

CHAP. CXL.

AN ACT in addition to the act, entitled "an act to incorporate the Franklin fire insurance company"

Passed April 10, 1818.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly*. That the president, directors and company of the Franklin fire insurance company, shall have, exercise and enjoy all the rights, privileges, powers and immunities, which are given and granted to the president, directors and company of the Union insurance company, in respect to the granting of assets

ties and making insurances upon a life or lives, or insurance in any way dependant upon a life or lives, and in the establishment and management of a fund which may be set apart and appropriated by the said Franklin fire insurance company for that purpose, and shall be subject to all and the like conditions, provisions, restrictions and regulations in respect to the same, and in respect to the calling in and investment of the capital stock of the said company, as are given, granted and restrained by the said act, entitled "an act to incorporate the Union insurance company."

CHAP. CXLI.

AN ACT to prevent obstructions in the several branches of the Buffalo creek, in the town of Willink, in the county of Niagara.

Passed April 15, 1818.

Be it enacted by the people of the state of New-York, represented in senate and assembly, That if any person shall from and after the first day of June next, cut down, or cause to be cut down, any tree or trees, or shall discharge any logs or branches of trees or other timber, in either of the branches of the Buffalo creek, leading through the town of Willink, in the county of Niagara, and shall not remove the same within two days out of said creek, such person or persons shall for each and every such offence, forfeit the sum of five dollars, to be recovered with costs, in any court having cognizance thereof, for the benefit of the poor of the town in which such offence shall be committed: *Provided always,* that this act, nor any thing herein contained, shall prevent any person from erecting any dam or dams across said creeks for mills or other useful machinery, or to prevent any person from floating any saw logs, boards or timber to or from any mill.

CHAP. CXLII.

AN ACT relative to certain roads in the county of Montgomery.

Passed April 15, 1818.

I. Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That all that part of a road laid out in virtue of the act, entitled "an act to appoint commissioners to lay out a road in the county of Montgomery, through the towns therein mentioned," passed April 12th, 1816, lying west of a place called Stump city, in the town of Johnstown, be and the same is hereby declared to be annulled; and that all assessments of damages to owners of lands through which that part of the said road passes, be and the same are hereby annulled.

A certain road annulled.

II. And be it further enacted, That the assessments of damages to the owners or occupants of lands, made in virtue of an act, entitled "an act appointing commissioners to lay out a road therein men-

Certain assessments annulled.

tioned, from the house of John Fay to the Stratford road, near Harkerson's tavern, in the county of Montgomery," passed April 17th, 1816, be and the same are hereby declared null and void.

Damages to
be paid to
owners.

III. *And be it further enacted*, That when any part of the road laid out in pursuance of the act last mentioned, shall pass through any improved lands against the consent of the owner or owners, the said owner or owners thereof shall be paid such damages as such owner or owners may sustain by reason thereof; and the same shall be determined and ascertained agreeable to the directions of the laws of this state in regard to turnpike companies, any thing in the last mentioned act to the contrary notwithstanding.

CHAP. CXLIII.

AN ACT to divide the town of Olean, in the county of Cattaraugus.

Passed April 15, 1818.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly*, That from and after the first day of May next, all that part of the town of Olean, in the county of Cattaraugus, lying west of the line running between the fourth and fifth range of townships, in the Holland company's purchase, containing the townships number one, two and three in the fifth and sixth ranges townships of said purchase, shall be, and is hereby erected into a separate town by the name of Great Valley; and that the first town meeting shall be held on the first Monday of May next, at the house of David Gregory, in said town; and the annual town meetings thereafter, shall be held on the first Tuesday in March in each and every year; and all the remaining part of said town shall be and remain a separate town by the name of Olean.

II. *And be it further enacted*, That as soon as may be after the first Monday in May next, the supervisors and overseers of the poor of the aforesaid towns of Great Valley and Olean shall, by notice to be given for that purpose, by the said supervisors thereof, meet together and apportion the poor and money belonging to said town of Olean previous to the division thereof, agreeable to the last tax list; and each town shall forever thereafter support and maintain their own poor.

CHAP. CXLIV.

AN ACT for the relief of the towns of Johnstown, Northampton, Wells and Lake Pleasant, in the counties of Montgomery and Hamilton, for the purposes therein mentioned.

Passed April 15, 1818.

Preamble.

WHEREAS it appears by the petition of the supervisors of said towns, that by an act to divide the county of Montgomery into two counties, passed the twelfth day of April, 1816, part of Johnstown

was annexed to Lake Pleasant, and a part of Northampton and Mayfield was annexed to the town of Wells, and that the same was to take effect on the first day of May thereafter; and that notwithstanding those acts, the assessments and collection of taxes in that year in those towns, were made as if the act had not been passed; and in like manner in Northampton, Lake Pleasant and Wells, of the succeeding year; that in consequence thereof, some have refused to pay the taxes imposed by Northampton, and that part of Johnstown and Mayfield annexed to Lake Pleasant has not been taxed the last year; that embarrassments and litigation will probably ensue, unless the same assessments are confirmed by law, and the mistake corrected; for remedy whereof, therefore,

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly,* That the taxes assessed and collected by the towns of Johnstown and Mayfield, in the year 1816, and by the town of Northampton in that and the subsequent year, be confirmed and deemed to be and remain valid and effectual.

Certain taxes confirmed.

II. *And be it further enacted,* That the collector of the town of Northampton, chosen in the year 1817, be and is hereby authorized and required to proceed in the collection of the taxes assessed in said year, as if the said county of Montgomery had not been divided; and that on or before the first day of June next, he account with and pay to the treasurer of the county of Montgomery, all such arrears by him collected, in the same manner as he is required for the other part of the tax list.

Duty of collector of Northampton.

III. *And be it further enacted,* That in case the said collector shall neglect or refuse to collect, account for, and pay over the said money, at the time hereby directed, he and his securities shall be liable for, and be proceeded against in the same manner as if he had neglected or refused to collect and pay over the other part of the taxes, as by law required and directed.

Proceeding in cases of neglect.

CHAP. CXLV.

AN ACT authorising the surveyor-general to sell certain lands in West-Oswego village.

Passed April 15, 1818.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly,* That the surveyor-general be, and he is hereby authorized and directed to sell at public vendue, on such terms of payment as the other lands of this state are usually sold, so much of the public land lying in the village West-Oswego as is contained in lot number twenty, and also in blocks number seventy-eight, ninety, ninety-nine, and one hundred and three, and as is contained in such parts of streets between said blocks as lie between first street and the Oswego river, together with the privilege to the four last mentioned blocks of diverting as much of the water of the river by the erection of wing dams as may be necessary for the use of such mills as may be erected on the land aforesaid: *Provided,* that the navigation of said river be not injured thereby.

Certain lands &c. to be sold.

Condition of
sale.

II. *And be it further enacted*, That the sale of the aforesaid blocks of land and privileges, shall be made on condition that the purchaser or purchasers shall, within two years from the day of sale build on the land aforesaid, a grist mill capable of doing the ordinary business of a country mill; and on failure thereof, the land, privileges and payment therefor, which may have been made, shall be forfeited to the people of this state.

CHAP. CXLVI.

AN ACT to divide the town of Willink, in the county of Niagara, into three separate towns.

Passed April 15, 1818.

Town of Hol-
land erected.

I. *Be it enacted by the People of the State of New-York, represented in senate and assembly*, That from and after the first day of March next, all that part of the town of Willink, in the county of Niagara, lying south of the division line between the townships number eight and nine in said town, composing the two townships number eight in the fifth and sixth range of townships in the Holland land company's purchase, be and is hereby erected into a separate town by the name of Holland, and the first town meeting thereafter shall be held at the dwelling house of Robert Orr, on the first Tuesday of March aforesaid.

Town of
Wales erect-
ed.

II. *And be it further enacted*, That from after the first day of March next, all that part of the town of Willink, containing township number nine in the fifth range of townships, in the Holland company's purchase, together with that part of the Indian reservation lying north of said township number nine, in the fifth range, to the town of Clarence, be and the same is hereby erected into a separate town, by the name of Wales, and the first town meeting thereafter, shall be held at the dwelling house of Daniel Rowley junr. on the first Tuesday of March aforesaid.

Town of Au-
rora.

III. *And be it further enacted*, That from and after the first day of March next, all the remaining part of the said town of Willink, be and remain a separate town by the name of Aurora, and that the first town meeting thereafter, shall be held at the dwelling house of John McKeen, on the first Tuesday of March aforesaid.

Poor and mo-
ney to be di-
vided.

IV. *And be it further enacted*, That as soon as may be after the first day of March next, the supervisors and overseers of the poor of the aforesaid towns shall, by notice to be given by the supervisors of the towns aforesaid, for that purpose, meet together and apportion the poor maintained by said town of Willink, before the said division; and also divide all poor money which is or may be in the hands of the overseers of the poor of the town of Willink, agreeable to the last assessment list, and that each town shall forever thereafter maintain its own poor.

CHAP. CXLVII.

AN ACT to divide the town of Russell, in the county of St. Lawrence.

Passed April 15, 1818.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly*, That from and after the passing of this act, all that part of the town of Russell, in the county of St. Lawrence, which on a map of this state, made by the surveyor general, is known and distinguished as the townships of Emilyville, Chaumont, Clifton, Clare, and so much of the township of Dewitt as would lie east of a continuation of the west line of said townships, until it strikes the rear line of the town of Canton, be and the same is hereby erected into a separate town by the name of Pierrepont, and that the first town meeting in said town, shall be held at the house of Cyrus Graugis.

Town of Pierrepont erected.

II. *and be it further enacted*, That as soon as may be after the first town meeting of the said town of Pierrepont, the supervisors and overseers of the poor of the said towns of Russell and Pierrepont, shall meet together (notice for that purpose being first given by the said supervisors,) and divide the poor and money belonging to the town of Russell, previous to the division thereof, according to the number of taxable inhabitants.

Poor and money divided.

CHAP. CXLVIII.

AN ACT for the relief of the town of Providence, in the county of Saratoga.

Passed April 15, 1818.

WHEREAS it has been represented to the legislature, that by reason of a great part of the census of the inhabitants of the town of Providence, in the county of Saratoga, taken in the year one thousand eight hundred and fourteen, having been lost and not returned to the secretary's office, the said town has been deprived of its just share of the monies distributed under the act for the better establishment of common schools: Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That all monies now in the hands of the treasurer of said county, or which shall hereafter come into his hands for the use of the common schools of his county, shall be apportioned by the clerk of the board of supervisors of said county, among the several towns thereof, so that the said town of Providence shall hereafter receive its share of said monies, according to its population, to be ascertained by the last census of the inhabitants taken under the authority of the United States: *Provided*, that this act shall not continue in force after the next census of the inhabitants of said town shall be taken under the authority of this state, or of the United States: *And provided further*, that in case any part of the money payable to the said county on the first day of February last,

for the use of common schools, has been received by the said treasurer, and paid by him on the apportionment heretofore made among the several towns of his county, nothing in this act contained shall have any effect or operation until the next monies which shall be payable to the said county for the support of common schools, shall be received by said treasurer.

CHAP. CXLIX.

AN ACT to incorporate the "New-York Benevolent Society."

Passed April 15, 1818.

Preamble.

WHEREAS the members of a society instituted for charitable purposes, have petitioned the legislature for an act of incorporation, the better to enable them to attain the objects of their association: Therefore,

Society incorporated.

Style.]

1. *Be it enacted by the people of the state of New-York, represented in senate and assembly,* That all persons who now are or who hereafter may become members of the aforesaid society, shall be and hereby are constituted a body corporate, in fact and in name, by the name of "the New-York benevolent society," and by that name shall have succession, and be in law capable of suing and being sued, defending and being defended, in all courts and places, and in all manner of actions and cases whatsoever; and may have a common seal, and change the same at their pleasure; and by that name and style be capable in law of purchasing, holding and enjoying to them and their successors, any real estate, in fee simple or otherwise, and any goods, chattels and personal estate, and of selling or otherwise disposing of the said real and personal estate, or any part thereof, at their will and pleasure: *Provided always,* the clear annual value or income of such real and personal estate shall not exceed the sum of five thousand dollars.

Proviso.

General powers of corporation.

II. *And be it further enacted,* That the said society shall have power to make such constitution, by-laws, ordinances and regulations, for the appointment of officers, the government of the society, the management of their property, and the superintendence of all their concerns, as to them shall appear most proper and beneficial: *Provided,* that the same be not inconsistent with the laws, or constitution of this state or of the United States.

Public act.

III. *And be it further enacted,* That this act be and is hereby declared to be a public act, and that the same be construed in all courts and places benignly and favorably for every beneficial purpose therein intended.

CHAP. CL.

AN ACT authorising the appointment of an additional commissioner to perform certain duties of a judge of the supreme court.

Passed April 15, 1818.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly,* That the person administering the government of this state, by and with the advice and consent of the council of appointment, shall, from time to time, appoint a fit and proper person as a commissioner, to reside either in the county of Tioga or Steuben, who by virtue of this act shall be authorised and required to perform the duties of a judge of the supreme court, and to do and execute every power and trust, which, according to the practice of the said court, the judge thereof may perform and execute out of court, in all cases, both civil and criminal, to allow writs of habeas corpus and writs of certiorari, and also to execute the act for relief against absconding and absent debtors, and the act for giving relief in cases of insolvency, in like manner as judges of the supreme court may or might allow and execute the same.

Commissioner to be appointed.

II. *And be it further enacted,* That said commissioner shall be a counsellor of the supreme court, and before he enters upon the duties of his office, shall take and subscribe before one of the judges of the county in which he shall reside, an oath, well and truly to execute and perform the duties prescribed in and by this act, which oath shall be filed in the office of the clerk of said county.

Commissioner to be a counsellor &c to take an oath.

III. *And be it further enacted,* That it shall be lawful for the said commissioner, to take and receive the same fees for the services performed by virtue of this act, as the recorders of the several cities in this state are allowed for the like services.

Fees.

CHAP. CLI.

AN ACT granting to John Mallory the exclusive right of supplying the inhabitants of the village of Plattsburgh with pure and wholesome water.

Passed April 15, 1818.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly,* That John Mallory, his executors, administrators and assigns, may and shall have, use and enjoy the sole and exclusive right to bring and convey into the village of Plattsburgh, and furnish to the inhabitants thereof, or such part thereof as may choose to contract with him for the same, a supply of good and wholesome water, by means of conduits or aqueducts.

J. Mallory to have certain exclusive rights.

II. *And be it further enacted,* That it shall not be lawful for any other person or persons during the continuance of this act, to bring in and furnish to the inhabitants of said village, or any part thereof, any water by means of conduits or aqueducts, under a penalty of five hundred dollars for each offence, which sum or penal-

Penalty on others.

ty may be recovered by the said John Mallory, his executors, administrators or assigns; to his or their own use, with costs, in an action of debt, in any court of record having cognizance of the same :

Proviso.

Provided however, that in case the said John Mallory shall not convey said water within the bounds of said village within nine months after the passing of this act, or in case he shall not supply sufficiently the inhabitants of said village, or such part thereof as shall contract with him for the same, with pure, good and wholesome water, fit and proper for all domestic purposes, as well for the washing of clothes as otherwise, within a reasonable time after said water shall be so brought within the bounds of said village, or in case the supply of water to such inhabitants, or any of them so contracting, shall cease by means of defect in the aqueducts or otherwise, for the space of one month at a time, or for three months in any one year, then, and in such case, this act and the privileges hereby granted shall cease and be null and void : *And provided further*, that nothing herein contained shall be construed to prevent any one or more inhabitants from supplying himself or themselves with water for their own use in such manner as he or they shall deem proper : *And provided further*, that nothing herein contained shall be construed to prevent any future legislature from repealing or in any manner modifying this act.

Further proviso.

Trustees to approve of compensation.

III. *And be it further enacted*, That no sum shall be required of any citizen in said village for supplying water as aforesaid, above what shall be annually approved of by the trustees of said village.

Banking powers prohibited.

IV. *And be it further enacted*, That nothing in this act contained, shall be so construed as to grant any banking powers or privileges whatsoever.

CHAP. CLII.

AN ACT for the relief of Sally Carlough.

Passed April 15, 1818.

Stamblie.

WHEREAS the commissioners of the land office were required in the act, entitled " an act concerning the lands lately purchased from the Oneida Indians, and for other purposes," passed April 15, 1817, to issue letters patent to Sally Denny, and letters patent were issued accordingly, which ought to have been issued to Sally Carlough, her heirs and assigns : Therefore,

Former patent to be returned.

I. *Be it enacted by the people of the state of New York, represented in senate and assembly*, That the commissioners of the land office shall, on the return of the letters patent issued to Sally Denny, and on satisfactory proof that the lands contained therein have not been sold or released by any instrument or writing whatsoever, issue letters patent to Sally Carlough, her heirs and assigns, according to the directions of the act aforesaid, requiring letters patent to be issued to Sally Denny.

Part of certificate act repealed.

II. *And be it further enacted*, That such part of the act, entitled " an act concerning the lands lately purchased from the Onei-

da Indians, and for other purposes," passed 15th April, 1817, as directs the commissioners of the land office to grant letters patent to Sally Denny, be and the same is hereby repealed.

CHAP. CLIII.

AN ACT to revive the act entitled "*an act to incorporate the society of teachers in the city of New-York, for benevolent and literary purposes.*"

Passed April 15, 1818.

Prohibited.

WHEREAS the legislature of the state of New-York, did, by a certain act, entitled "*an act to incorporate the society of teachers in the city of New-York, for benevolent and literary purposes,*" passed the fourth day of April, in the year of our Lord one thousand eight hundred and eleven, incorporate certain persons therein named and described, by the name and style of "*the society of teachers in the city of New-York, for benevolent and literary purposes.*" And whereas, Albert Picket and others, who were members of the said corporation, have represented by their petition to the legislature that the provisions of the said act have become inoperative by non-user, and for the want of elections of officers at such times as by the said act are required; and have prayed that the said act might be revived: Therefore,

I. *Be it enacted by the People of the state of New-York, represented in senate and assembly,* That the said act, entitled "*an act to incorporate the society of teachers in the city of New-York, for benevolent and literary purposes,*" be and the same is hereby revived; and from and after the passing this act, shall be in full force and value, any non-user, non-election or other matter or thing whatsoever notwithstanding.

Corporation revived.

II. *And be it further enacted,* That until the next election of officers, to be made pursuant to the said act, Albert Picket shall be president, Jared Slocumb vice-president, William Forrest treasurer, Richard Wiggins secretary, and John W. Picket, Montgomery R. Bartlett and Joseph Hoxie assistants; and that the said Albert Picket, Jared Slocumb, William Forrest, Richard Wiggins, John W. Picket, Montgomery R. Bartlett and Joseph Hoxie, shall hold their said respective offices in the said society or incorporation until others shall be duly elected and chosen pursuant to the act aforesaid, in their respective places and stead.

Officers.

CHAP. CLIV.

AN ACT to incorporate the president and directors of the *West-Point foundery association,*

Passed April 15, 1818.

WHEREAS Gouverneur Kemble, Joseph G. Swift, James Benwick and others, have by their petition to the legislature set

Prohibited.

forth that they have formed a company for the making and manufacturing of iron and brass, and are engaged in the erection of extensive works and machinery for the making of cannon, cannon balls and other ordnance; but their private capital being found inadequate; that corporate privileges and powers are deemed essential to the accomplishment of their undertaking; and this legislature deeming the said undertaking to be connected with the public interests, and being disposed to encourage the same: Therefore,

Association
incorporated.

Style

Proviso.

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly,* That Gouverneur Kemble, James Renwick, Henry Brevoort, junr. Joseph G. Swift, John R. Fenwick, William Kemble, Henry Cary, Charles G. Smedburg, Nicholas Gouverneur, Robert I. Renwick and William Young, and such others as may hereafter be associated with them for the purpose of making and manufacturing iron and brass, and of vending the same, shall be and hereby are constituted a body corporate, in fact and in name, by the name of "the West-Point foundery association," and by that name they and their successors and assigns, until the first day of May, in the year one thousand eight hundred and forty five, shall and may have continual succession, and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and they and their successors may have a common seal, and be capable of purchasing, holding and conveying any estate, real or personal, for the use of the said corporation: *Provided*, the same be such as shall be connected with and conducive to the objects of this incorporation.

Management of
corporate concerns.

Vacancies
in office.

II. *And be it further enacted,* That the stock, property, affairs, and concerns of the said corporation shall be managed and conducted by five directors, who shall be stockholders, and shall be elected on the first Monday of May in every year; and all such elections shall be made by ballot, by a plurality of the votes of the stockholders present, allowing one vote to each share, and stockholders not personally attending, may vote by proxy at such elections: and the directors so chosen shall, as soon as may be, after every annual election, elect by ballot one of their number, to be their president; which president and directors shall continue in office for one year, and until others shall be chosen to supply their places, and enter on the duties of their offices; and a majority of the directors for the time shall form a board for the transaction of all the business of the corporation; and if any vacancy or vacancies shall happen any time in the office of president or directors, by death, resignation or otherwise, the remaining directors shall supply such vacancy or vacancies for the remainder of the year in which the same may happen, by new appointments; and in case of the absence at any time of the president, the board of directors shall have power to appoint a president pro tempore, with such powers and functions as the by-laws of the corporation may provide.

III. *And be it further enacted*, That Gouverneur Kemble, James Renwick, Henry Brevoort, junr. William Kemble and Charles G. Smedburg, shall be the first directors; and the said Gouverneur Kemble shall be the first president of the said company who shall severally hold their offices until the first Monday of May, in the year one thousand eight hundred and nineteen.

First directors.

IV. *And be it further enacted*, That in case it should at any time happen that an election of directors should not be made on the day required by this act, the said corporation shall not for that cause be deemed to be dissolved, but it shall be lawful to hold an election of directors at such other day, and in such a manner as may be regulated by the by-laws and ordinances of the same corporation.

Elections may be made at any other day.

V. *And be it further enacted*, That the capital stock of the said company shall not exceed one hundred thousand dollars, and each share therein shall be one thousand dollars; which shares shall be assignable and transferable according to such rules, and subject to such restrictions as the board of directors shall from time to time make and establish for the purpose, and they shall be considered as personal property; and it shall be lawful for the president and directors of the said corporation, to call for and demand of the said stockholders, respectively, the amount of their respective shares, by them subscribed towards the said capital stock, at such times and in such proportion and manner as they shall see fit; and in case of default in the payment of any sum so called for and demanded, for the space of sixty days after notice of such call or demand, to forfeit to the corporation the shares of the person making default, and all previous payments thereon.

Capital stock.

VI. *And be it further enacted*, That the board of directors of the said company, for the time being, shall have power to make and prescribe such by-laws, rules and regulations as they shall deem proper, respecting the management and disposition of the stock, property and estate of the said corporation the transfer of shares in its capital stock, the duties and conduct of the managers, workmen and servants in its employ, the election of directors, and all other matters appertaining to the concerns of the company; and they shall also have power to appoint clerks and other servants for carrying on their business; and from time to time, if authorized by their by-laws, to appoint from their own body, one or more persons to act in and superintend the management of their business, with such salaries and allowances as they may think proper: *Provided always*, that such by-laws, rules and regulations shall not be repugnant to the laws or constitution of this state or of the United States.

General power of corporation.

VII *And be it further enacted*, That this act be and the same is hereby declared to be a public act.

Public act.

CHAP. CLV.

AN ACT *relative to the common and undivided lands and marshes in Southampton, in the county of Suffolk.*

Passed April 15, 1818.

Trustees to
be appointed

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly,* That it shall and may be lawful for the proprietors of the undivided lands and meadows, held by them as tenants in common, in the town of Southampton, county of Suffolk, and state of New-York, to meet on the first Tuesday in May next, at the meeting house in Southampton aforesaid, and annually thereafter on the first Tuesday in April, at such time and place as a majority of the said proprietors present shall determine; and at every such meeting the said proprietors, or a majority of such of them as shall be present in person or by attorney, are hereby authorised and empowered to elect for the term of one year, or until others are chosen, not less than six nor more than twelve persons, being proprietors, trustees to manage all the undivided lands, meadows and mill streams, in said town of Southampton; which trustees shall meet immediately after the annual meeting of the proprietors, and shall adjourn from time to time, as they shall think proper.

Power of
trustees.

II. *And be it further enacted,* That the said trustees shall have the same power to superintend and manage the undivided lands, meadows and mill streams aforesaid, as the trustees of the freeholders and commonalty of the town of Southampton now have, and shall have full power to sell, lease, or to partition, and to make such rules and regulations, and by-laws for managing the said lands, meadows and mill streams, and meadows that may, hereafter make in the waters of said town, that shall not be the property of individuals, and also to impose such penalties on any proprietor offending against such rules and regulations, or any of them, as a majority of them shall judge meet and proper, not exceeding twenty five dollars for any one offence; which by-laws, rules and regulations, so made by the trustees, shall be recorded by the clerk to be appointed by said trustees; and furthermore, the trustees shall at their first meeting annually elect one of their number president, who shall preside at their meetings, and shall have a casting vote, and no other; and it shall be the duty of said trustees, whenever they may judge it necessary, to call a special meeting of the proprietors, by advertising the same in four or more conspicuous places in the said town of Southampton, at least eight days previous to said meeting, and the proceedings of such meeting thus called, shall be as good and valid as if done at the annual meeting aforesaid; and it shall also be the duty of the president of the trustees to call a meeting of the trustees whenever he may deem it necessary.

Duty of clerk

III. *And be it further enacted,* That it shall be the duty of said clerk of the trustees to keep a record of the names of each proprietor, and the amount of right to him or her belonging, and to make transfers of the same; and no person shall be entitled to a vote at

any meeting of said proprietors, without their names are entered on said record.

IV. *And be it further enacted*, That the said trustees shall have power to sue for and recover, for the use of said proprietors, all such penalties as may be incurred by a breach of any rule, regulation or by-law, made as aforesaid, and shall have full power and authority to prosecute, bring and maintain suits for all trespasses which may be hereafter committed on the said lands, meadows and mill streams by any person or persons: *Provided nevertheless*, that nothing in the afore recited act shall be construed to give the proprietors or their trustees any power to make any laws, rules or regulations, concerning the waters (other than mill streams) the fisheries, the sea-weed, or any other productions of the waters of said town, or in any manner or way to debar the inhabitants of said town from the privilege of taking sea-weed from the shores of any of the common lands of said town, or carting or transporting to or from, or landing property on said shores, in the manner heretofore practised; which waters, fisheries, sea-weed and productions of the waters, shall be managed by the trustees of the freeholders and commonalty of the town of Southampton, for the benefit of said town, as they had the power to do before the passing of this act: *Provided further*, that nothing herein contained shall in any manner affect or alter the right, title or interest of any person, or the inhabitants of said town to any of the before mentioned premises.

Penalties.

Provided.

Further proviso.

CHAP. CLVI.

AN ACT for the relief of the Onondaga Indians.

Passed April 15, 1818.

WHEREAS by a treaty holden by commissioners on the part of the state of New-York, and the chiefs and warriors of the Onondaga tribe of Indians, the twenty-eighth day of July, in the year one thousand seven hundred and ninety-five, it was stipulated, that the said tribe should receive an annual annuity of two thousand dollars per year, one thousand of which sum was to be paid at Canandaigua, and the residue at Onondaga, but the recent removal of almost the whole tribe to Onondaga, renders it necessary that the whole sum should be paid at Onondaga: *And whereas*, the said chiefs and warriors have petitioned that the whole sum may be paid at Onondaga, in order that a more equitable distribution may be made: Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That the person whose duty it shall be to pay the annual annuity to the Onondaga Indians, shall, instead of paying one thousand dollars at Canandaigua, pay all the money due, or which may hereafter become due, to the said tribe at Onondaga, any usage or custom to the contrary notwithstanding.

CHAP. CLVII.

AN ACT relative to the north half of the Gospel and School lot in the town of Guilford, in the county of Chenango.

Passed April 15, 1818.

Summable.

WHEREAS it has been represented that lot number fifty, in the town of Guilford, in the county of Chenango, referred to in an act, entitled "an act relative to the gospel and school lot, in the town of Eastern, in the county of Chenango," passed April 11, 1817, has been divided between the towns of Oxford and Guilford, in pursuance of said act, and that the north half of the said lot has been set off to said town of Oxford, and that there is a gore of land running through the centre of said lot, containing about fifty acres, which has not been leased, one half of which gore is situated in that part of said lot set off to said town of Oxford: Therefore.

Part of gospel & school lot to be leased.

I. *Be it enacted by the people of the state of New York, represented in senate and assembly,* That the supervisor and overseers of the poor of the said town of Oxford, for the time being, shall have power and authority from time to time, to lease out for the benefit of said town of Oxford, any land in the north half of said lot which has not been leased, and also any part of said north half on which the existing lease or leases may become forfeited, on such terms as they shall deem beneficial to the interest of said town.

Rents here applied.

II. *And be it further enacted,* That it shall be lawful for the said town of Oxford, at the annual town meeting in said town, to appoint one or more persons to receive the rents accruing to said town from said lot of land, and that the rents and proceeds of said lot, which have already accrued, after deducting reasonable and necessary expenses, shall be equally divided between the legally incorporated religious societies in said town of Oxford; and that the rents and proceeds of said lot which shall hereafter accrue to said town of Oxford, from said lot, shall be appropriated to the support of schools in said town, in such manner as the inhabitants of said town shall at their annual town meeting from time to time direct.

III. *And be it further enacted,* That the third section of the act aforesaid, passed April 11th, 1817, be and the same hereby is repealed.

CHAP. CLVIII.

AN ACT in addition to an act, entitled "an act to vest certain powers in the freeholders and inhabitants of the village of Madison," passed 17th April, 1816.

Passed April 15, 1818.

Duty of commissioners of highways.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly,* That it shall be the duty of the commissioners of highways in the town of Madison, in the county of Madison, and they are hereby required, at least ten days before the next annual town meeting in said town, according to the second sec.

tion of the act to regulate highways, to form one road district of that part of the said town comprehended within the limits of the village of Madison aforesaid, as described in the act of incorporation of said village.

II. *And be it further enacted*, That this act shall continue in force until the first day of February, which will be in the year one thousand eight hundred and twenty-four. Continued of act.

CHAP. CLIX.

AN ACT for the inspection of Fish, in the county of Jefferson.

Passed April 15, 1818.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly*, That all fish hereafter caught and barrelled for sale, in the county of Jefferson, shall be inspected, and the barrels branded, as provided by the act for the inspection of fish, passed March the nineteenth, in the year one thousand eight hundred and eight. Fish to be inspected.

II. *And be it further enacted*, That the barrels into which such fish shall be put up, shall be of the size and quality prescribed by the said act of March the nineteenth, in the year one thousand eight hundred and eight, and the same quantity of salt as prescribed by that act, shall be put into each barrel of fish so put up for sale. Size &c. of barrels.

III. *And be it further enacted*, That if any person or persons shall offer any fish in barrels for sale, without having the same inspected as provided by this act, such person or persons shall forfeit and pay the value of the fish so offered for sale, to be recovered in an action of debt, with costs of suit, in any court having cognizance thereof, by any person who shall sue for the same, the one moiety thereof to the use of such person, and the other moiety to the use of the poor of the town where such offence shall be committed. Penalty for violation of this act.

CHAP. CLX.

AN ACT for altering the time of holding the annual town meeting in the town of Malta, in the county of Saratoga.

Passed April 15, 1818.

WHEREAS sundry inhabitants of the town of Malta, in the county of Saratoga, have represented to the legislature, that they are subjected to inconvenience from holding town meetings at the time now established by law: Therefore,

Be it enacted by the people of the state of New-York, represented in senate and assembly, That the next annual town meeting in and for the said town of Malta, shall be held on the first Tuesday in April, in the year one thousand eight hundred and nineteen, and thereafter the anniversary day of holding town meeting in said town, shall be on the first Tuesday of April, in each and every year, and

the town clerk, supervisor and justices of the peace of said town, shall meet on the Tuesday next preceding the day of town meeting in each and every year, to audit the accounts of the overseers of the poor of said town, and to transact all and every other business which they are now by law required to do and perform on the last Tuesday of February.

CHAP. CLXI.

AN ACT to erect a new town out of the south part of the town of Wells, in the county of Hamilton.

Passed April 15, 1818.

Town of
Hope cre-
ated.

I. Be it enacted by the people of the state of New-York, represented in senate and assembly, That from and after the first Tuesday in March next, all the south part of the town of Wells, in the county of Hamilton, that is contained in the following bounds, to wit: beginning at such a point on the east line of the county of Hamilton so as that a line running from that point due west will strike the north-east corner of patent number six in Bergen's purchase; thence west to the north-west corner of the new town hereby erected, a distance from the place of beginning of eleven miles; thence south to the south line of the county of Hamilton; thence east along the south bounds of the county of Hamilton, to the east bounds thereof; thence along the east bounds of the county of Hamilton aforesaid north to the place of beginning, shall be, and is hereby erected into a separate town by the name of Hope; and that the first town meeting shall be held at the house of Daniel Brownell, in said town of Hope; and that all the remaining part of the said town of Wells shall be and remain a separate town by the name of Wells.

Division of
poor and mo-
ney.

II. And be it further enacted, That as soon as may be after the first Tuesday in March next, the supervisors and overseers of the poor of the said towns, respectively, on notice being given for that purpose, shall meet together and divide the money and poor belonging to the said town of Wells previous to the division thereof, agreeable to the tax list of said town; and that each of the said towns shall forever thereafter maintain and support their own poor respectively.

CHAP. CLXII.

AN ACT concerning the seal of the court of common pleas called the mayor's court of the city of New-York.

Passed April 15, 1818.

Be it enacted by the People of the State of New-York, represented in senate and assembly, That it shall and may be lawful for the judges of the court of common pleas called the mayor's court of the city of New-York, to alter the seal of the said court, by adding

thereto the words "mayor's court of the city of New-York"; and also that it shall be lawful for the clerk of the said court to use and apply the said new seal to the process and proceedings of the said court, either with or without wax or wafer, in the place and stead of the present seal thereof: *Provided always*, that a description of the seal to be adopted by the said court, before the same shall be used, shall be deposited in the office of the secretary of this state, and remain a public record.

CHAP. CLXIII.

AN ACT *authorising an additional term of the court of general sessions of the peace, in and for the county of Herkimer.*

Passed April 15, 1818.

Be it enacted by the people of the state of New-York, represented in senate and assembly, That hereafter, at the December term of the court of common pleas to be holden in and for the county of Herkimer, there shall also be holden a court of general sessions of the peace in and for said county, which may be kept open as long as the said term of the court of common pleas is authorised to be continued.

CHAP. CLXIV.

AN ACT *to amend the act, entitled "an act to incorporate the Albany and Bethlehem turnpike company."*

Passed April 15, 1818.

WHEREAS by the act incorporating the said company, no provision is made for the payment of toll on certain carriages now in use, passing the gate on said road: Therefore,

Be it enacted by the people of the state of New-York, represented in senate and assembly, That it shall and may be lawful for the toll gatherer of the said company, to demand and receive for every two horse waggon used for pleasure, or the transportation of persons, for passing the gate on said road, twelve and an half cents; and for every one horse waggon, used for pleasure, or the transportation of persons, ten cents; and for every one horse waggon, employed in the transportation of goods or produce, five cents, from and after the passing of this act.

AN ACT for the better improvement of certain streets in the city of Albany.

Passed April 15, 1818.

Preamble.

WHEREAS the streets and lanes in that part of the city of Albany, situate east of South Pearl street, south of the north side of Lydius street, and north of Ferry street, have heretofore been pitched and levelled, and some parts thereof paved or flagged, and common sewers and drains laid therein, pursuant to the regulations of the common council of the said city: *And whereas*, it has been discovered, that the said streets, lanes, sewers and drains have not been pitched, levelled and laid so as effectually to discharge the water therefrom: *And whereas*, the owners of the lots within the said limits, and adjacent thereto are desirous that the said streets and lanes should be filled and levelled anew, and the drains and sewers aforesaid laid anew, in such manner as to obviate the aforesaid inconveniencies, subject to the provisions herein after expressed: *And whereas*, doubts exist whether the said common council possess competent powers to compel the said streets, lanes, sewers and drains to be pitched levelled and laid anew: Therefore,

Power of common council in respect to certain streets, &c.

I. Be it enacted by the people of the state of New-York, represented in senate and assembly, That it shall and may be lawful for the common council of the said city of Albany, at any time within one year after the passing of this act, to direct the said streets and lanes to be re-pitched and levelled, and the said drains and sewers to be re-laid, in such manner as they shall deem proper, to promote public and private convenience; and to adapt the pitches of the adjacent streets thereto, so as to render them uniform and convenient: *Provided always*, that it shall be the duty of the said common council, previous to making any by-laws for any of the said purposes, to cause a map to be made and filed in the office of the clerk of the said city, of the said streets and lanes, within the limits aforesaid, and to cause to be designated on the said map, referring to some permanent and durable monuments, the points of altitude to which each of the said streets and lanes running from South Pearl street or Frelinghuysen street to Hudson river are directed to be raised, specifying particularly the descents to which the same are to be formed: and that after any operations shall be had in conformity to any of the by-laws so to be passed, it shall not be lawful for the said common council to alter the elevations or descents of the said streets or lanes so ascertained and marked by reference to monuments within the limits aforesaid: *And provided further*, that all such by-laws shall require and exact a compliance therewith within one year from the passing of the same, and that no such law shall require the reduction of any ground already filled within the said limits.

Proviso.

Further proviso.

Expenses how collected.

II. And be it further enacted, That it shall be lawful for the said common council to cause the expenses of re-pitching, levelling and paving the aforesaid streets, and re-laying the said drains and sewers, to be assessed upon, and collected of, the owners and occupants

of houses and lots intended to be benefited thereby, in like manner as if the said streets, drains and sewers had never been pitched, levelled, paved or laid.

III. *And be it further enacted*, That it shall not be lawful to fill any of the said streets, lanes or lots in the said limits with any other than wholesome earth, or to deposit in the said limits any animal excrements, or other putrid substances; and that if any person shall fill in, or so deposit, within the said limits, any such putrid substances, he shall forfeit and pay one dollar for each cart load thereof; and if the person so filling or depositing cannot be discovered, the owner or occupant of the lot or street adjacent thereto, shall, upon notice thereof, remove, or cause the same to be removed, within forty eight hours after such notice; in default whereof he shall forfeit and pay the like sum of one dollar for every such cart load, to be recovered by any person who shall sue for the same, with costs; twenty-five cents of each dollar whereof, to be applied to the payment of the expense of removing such putrid substances, and the remainder to the overseers of the poor of the city, for the use of the poor thereof.

Penalty for depositing putrid substances &c.

CHAP. CLXVI.

AN ACT to amend the act, to annex the town of Colonie to the city of Albany, and for other purposes.

Passed April 15, 1818.

1. *Be it enacted by the People of the State of New-York, represented in senate and assembly*, That whenever the common council of the city of Albany shall deem it necessary to lay out, open, extend, straighten or widen any street, road, avenue or square in the fifth ward of the said city, it shall be lawful for the said common council to cause a notice to be published for four weeks successively, in the newspaper printed by the printer of this state, in the said city, specifying and describing as particularly as may be practicable, the ground with the appurtenances which may be required for either of the purposes aforesaid, and the time and place at which the damages and recompense which the owner or owners of such ground may be entitled to, for the same, will be enquired into and assessed, and such damages and recompense apportioned and assessed among the owners or occupants of the houses and lots of ground, and other real estate which are to be benefited by the intended public use of the ground, with the appurtenances which shall be required as aforesaid; and that it shall be lawful for the mayor or recorder and any two aldermen of the said city, by a precept under their hands and seals, to command the sheriff of the city and county of Albany, to summon and return a jury of twenty-four freeholders of the said city, who shall be in no wise interested in the aforesaid questions of damages and recompense, and the apportionment and assessment thereof as aforesaid, to the mayor's court of the said city, at the term specified for that purpose, in such precept, which shall be the time and place expressed in the aforesaid notice; and that such precept

Proceedings in case of assessments for opening streets &c.

shall be delivered to the said sheriff at least ten days before the return day thereof, who shall by virtue thereof summon and return such jury as aforesaid, twelve of whom shall be chosen by ballot, and constitute the jury for the purposes in the said precept specified; and that it shall be the duty of the said sheriff, at least six days before the return day of such precept, to serve on the owner or owners of the ground which shall be required as aforesaid for public use, if resident in the said city, or the occupant and occupants of such ground, to serve a written or printed copy of the notice to be published as aforesaid, directed to the owner or owners of such ground: *And further*, that in case the piece or pieces of ground so required shall be vacant, and the owner or owners thereof shall not reside in the said city, or shall be unknown, it shall be a sufficient service of said notice by the said sheriff to affix the same on some conspicuous part of such vacant premises: *And further*, that the said jury, when balloted for as aforesaid, shall be sworn faithfully and impartially to inquire into and assess the damages and recompense, which the owner or owners of the ground, with the appurtenances, described and designated in the said precept, shall be justly entitled, to, and to apportion and assess such damages and recompense upon the owner or owners of all the houses and lots of ground, which are intended to be benefited by the public use of the ground, with the appurtenances, required as aforesaid, as nearly as may be in proportion to the advantages which such owner or owners shall be deemed to acquire; and that the said jury shall make and return, under their respective hands, into the said mayor's court, an inquisition in writing, of the amount of the damages and recompense which they shall assess as aforesaid, and the persons to whom the same shall be assessed; and also of the apportionment thereof in the manner above directed; and shall also designate and describe the houses and lots of ground included in such apportionment; and that it shall also be the duty of the jury to set forth in the inquisition and apportionment the names of the owners, lessees and occupants of the houses and lots of ground upon which such damages and recompense, or any part thereof, shall be apportioned and assessed, as far as the same can be ascertained; and that the said inquisition of the said jury shall be returned to said mayor's court, at or before the second term thereafter, and on being confirmed by the said court, shall be conclusive and binding as well upon the owner and owners as upon the lessees or occupants mentioned therein, or intended to be affected thereby, his or their heirs, executors, administrators or assigns; and that it shall be lawful for the said mayor, aldermen and commonalty to enter upon and take possession of the ground, with the appurtenances, required for public use and assessed as aforesaid, and to convert the same to the public use or uses for which it is required and has been assessed, under the restrictions herein after mentioned.

Assessments
to be a lien.

II. *And be it further enacted*, That the assessment and appraisalment of the damages and recompense due to the owner or owners of any land required by the common council for the purposes aforesaid, in the manner directed by this act, shall, after having been completed and confirmed as aforesaid, be filed in the clerk's office of the city and county of Albany, and be a lien on the houses and

lots designated in the said inquisition, on which the same has been apportioned and assessed as aforesaid, from the time of such confirmation as aforesaid until the same shall be paid or otherwise satisfied, with lawful interest from the time of said confirmation.

III. *And be it further enacted*, That it shall be the duty of the said common council, within thirty days from the time of confirmation of such assessment and apportionment as aforesaid, to cause a notice to be published in the newspaper printed by the printer of this state, in the city of Albany, requiring the owner or owners of the houses and lots, or other real estate with the appurtenances, upon which any part of the damages and recompense aforesaid may have been assessed and apportioned as aforesaid, to pay the chamberlain of the said city the amount thereof, with interest from the time of the confirmation thereof as aforesaid; and that if default shall be made in such payment, such houses and lots and other real estate will be sold at public auction, at a day and place to be specified in such notice, for the lowest term of years for which any person shall offer to take the same, for the sum apportioned and assessed thereon, with interest as aforesaid; and if notwithstanding such notice the owner or owners shall neglect or refuse to pay such apportionment and assessment, with the charge of advertising and the interest accrued thereon, then it shall be lawful for the mayor, aldermen and commonalty to cause such houses and lots, or other real estate, to be sold at public auction as aforesaid, on the day and at the place in such notice specified for that purpose, and to give a declaration of such sale to the purchaser thereof under the common seal of the said city; and such purchaser, his executors, administrators and assigns, shall and may, by virtue thereof and of this act, lawfully hold and enjoy the premises so sold, for his and their own proper use, against the owner or owners thereof, and all claiming under him or them, until his term shall be completed and ended, with full liberty to remove all the buildings and materials, at the expiration of the said term, which he or they shall have erected thereon.

Notice to be published.

IV. *And be it further enacted*, That it shall be the duty of the chamberlain to pay to the owner or owners of the houses and lots or other real estate, with the appurtenances, for which any damages or recompense shall have been assessed as aforesaid, the amount of such damages and recompense, with interest, upon his or their producing a certificate from the clerk of the said mayor's court, that he or they is or are the owner or owners of the premises for which such assessment has been made and payment is required.

Duty of the chamberlain to pay owners &c.

V. *And be it further enacted*, That it shall be lawful for the said common council to order and direct the removal of any building standing on any lots or other real estate, which shall have been required and assessed as aforesaid, for any of the purposes aforesaid, on giving sixty days previous notice to make such removal; and in case of neglect or refusal on the part of such owner or owners to remove such building, it shall be lawful for the said common council to direct the city superintendent to take down and remove the same, at the expense of such owner or owners, to be paid out of the proceeds of the sale of the materials of such

Buildings to be removed on notice &c.

building, which the common council are, in such cases, authorised to cause to be sold at public vendue, on giving eight days previous notice of the time and place of such sale in one of the newspapers printed in the city of Albany.

Proceedings
in case of un-
known or
minor own-
ers

VI. *And be it further enacted*, That when the owner or owners of any houses and lots of ground, or other real estate, with the appurtenances, which may be required by the said common council as aforesaid, are unknown, or an infant or infants, it shall be lawful for such owner, or the guardian of such infant or infants, to prove his or their interest in such premises, before the said mayor's court : and upon the certificate of the clerk of the said court, of the extent of the said interest, and the amount assessed to be paid therefor, and the person or persons entitled to the same, the said common council are hereby authorized and required to pay the sum so assessed, to such person or persons, his or their attorney or guardian ; *And further*, that in case any such sum or sums shall be paid by the said common council, through mistake, to any person or persons who is not legally entitled thereto, it shall be lawful for the person or persons who shall be legally entitled thereto, his or their heirs, executors or administrators to sue for and recover the same, with lawful interest, and costs of suit, from the persons who shall have received such sum or sums, in any action for money had and received, to his or their use.

Leases and
agreements
how affected
by assess-
ments.

VII. *And be it further enacted*, That in all cases where the whole of any lot or other real estate, which is subject to a lease or other agreement, shall be required and taken by the said common council for any of the purposes aforesaid, by virtue of this act, all the covenants and stipulations contained in such lease or agreement, shall, upon the confirmation of such assessment as aforesaid, by the said mayor's court, cease, determine and be absolutely discharged ; and in all cases where a part only of such lot or other real estate, shall be required and taken as aforesaid, the said covenants, contracts and stipulations shall cease, determine and be absolutely discharged, so far only as relates to such part ; and that it shall be lawful for the said mayor's court, upon the application in writing, of either the landlord or tenant, or other party interested in the part of such lots or real estate, to appoint three disinterested freeholders, inhabitants of the said city, to determine the rents to be thereafter payable by virtue of such lease or agreement, for the residue of such lot or real estate, which shall be required and taken as aforesaid ; and the determination in writing under the hands of the persons so appointed, or any two of them, on being confirmed by the said mayor's court, shall be conclusive and binding on all the parties who may be interested in the part of such lot, or other real estate, required and taken as aforesaid.

Preamble.

WHEREAS the said mayor, aldermen, and commonalty, in common council convened, have caused estimates and assessments to be made of the expense of making several common sewers, drains and vaults, in the said city, and of pitching, levelling and paving several streets, and flagging the side walks thereof, with flat stones or hard brick, pursuant to the power and authority to the said common council for that purpose given : *And whereas*, several of the

owners and occupants of the houses and lots intended to be benefited by such improvements, have neglected and refused to conform to the regulations prescribed by the said common council, or to pay their proportion of such estimate and assessment: *And whereas*, the said common council have directed their superintendent to proceed to execute such regulations, and he has made considerable progress therein, but has not been able to complete the same, by reason of the inability of the said mayor, aldermen and commonalty to advance money required for that purpose: *And whereas*, considerable sums of money have been expended by the said superintendent, for the purposes aforesaid, which the owners of the houses and lots benefited by the execution of such regulations, refuse to repay until the whole shall be completed: the said mayor, aldermen and commonalty have prayed the legislature to pass an act authorising them to collect the money so advanced as aforesaid: Therefore,

VIII. *Be it further enacted*, That it shall be lawful for the said mayor, aldermen and commonalty of the said city, to collect the money so advanced and expended as aforesaid, in the manner particularly mentioned in the fourteenth and sixteenth sections of the act, entitled "an act relative to the city of Albany," passed April 6th, 1813, and that all the powers, privileges and liens granted in and by the last mentioned sections, shall be construed to extend to the cases in this section above mentioned. Certain man-
ries how to
be collected.

IX. *And be it further enacted*, That it shall and may be lawful for the said common council to erect and place a public market, in any of the public streets in the said city. Public mar-
ket may be
placed in a
street.

X. *And be it further enacted*, That the mayor's court of the city of Albany, shall have all the powers in relation to ferries within the fifth ward of the said city, as are granted by the first, second, third and fifth sections of the act, entitled "an act concerning ferries," passed April 5th, 1813, to the courts of common pleas of the several counties within this state. Ferries in
the fifth
ward regu-
lated.

CHAP. CLXVII.

AN ACT to alter the time of holding town meetings in the towns of Greenfield, Ballston and Stillwater, in the county of Saratoga.

Passed April 15, 1818.

Be it enacted by the people of the state of New York, represented in senate and assembly, That the town meetings hereafter to be holden in the towns of Greenfield, Ballston and Stillwater, in the county of Saratoga, shall be held on the first Tuesday of April annually; and that all such town officers, whose duty it was to meet on the last Tuesday of February, shall meet on the last Tuesday of March, to do and transact such business as to their respective offices appertain.

AN ACT further to amend the act, entitled "an act to incorporate the Minisink and Montgomery turnpike road company, and for other purposes."

Passed April 15, 1818.

Assessment
on the stock.

I. Be it enacted by the people of the state of New-York, represented in senate and assembly, That the president and directors of the Minisink and Montgomery turnpike road company, shall have full right and lawful authority to assess and levy on the present stock of said company, a sum of money sufficient to finish and complete said road, not exceeding five dollars on each share of stock.

Notice to be
given.

II. And be it further enacted, That as soon as the said president and directors shall ascertain the amount necessary to finish and complete said road, they shall give public notice for the space of six weeks, stating the amount of the tax levied, and the time and place when the same is to be paid, not less than six months from the time of giving such notice; and unless the said tax is paid at the time specified, the said shares on which the said tax remains due, will be sold at public vendue to the highest bidder, subject to redemption for the space of two years, which notice shall be printed in the newspaper printed by the printer to this state, and in one of the newspapers printed in Orange county, once in each week for the space of six weeks.

Stock of delinquent
stockholders
may be sold.

II. And be it further enacted, That in case any of the stockholders or persons entitled to stock shall refuse or neglect to pay the tax assessed and levied on their respective shares at the time specified in the said notice, that then and in such case the said president and directors shall proceed to sell at public vendue to the highest bidder, those shares on which the tax remains due (subject to the said tax); and on receiving the purchase money and tax due thereon, the president shall give a certificate, countersigned by the treasurer, stating the amount of the purchase money and tax, subject to redemption for the space of two years, with interest thereon, at and after the rate of ten per cent. per annum.

Right of redemption
secured for a
limited period.

IV. And be it further enacted, That the owners of stock in the said company, and sold as aforesaid, shall have time for the space of two years to redeem the same, by paying to the purchaser the amount of the purchase money and tax actually paid, together with an interest on the whole at the rate of ten per cent. per annum; but if the said owners of stock shall refuse or neglect to redeem the said stock at the end of two years, that then and in such case the said president and directors shall make out new scripts or certificates of stock to the purchaser or purchasers to the number of shares purchased, which shall be valid and, the original shares become void and forfeited.

Corporation
may borrow
money &c.

V. And be it further enacted, That the president and directors of said company shall have a right to borrow money not exceeding the sum of five thousand dollars, for the use and benefit of said company, from any person or company legally authorised to loan the same, at an interest not exceeding seven per cent. per annum,

and all notes for the payment of money from the said president and directors, shall be binding on the corporation and the property of the said company.

VI. *And be it further enacted*, That all vacancies in the board of directors of the Columbia turnpike road corporation, by death or otherwise, shall be filled for the residue of the year by the remaining directors, or a majority of them; and that at every election for directors hereafter to be held, each share in the stock shall have one vote.

Vacancies in board of directors how filled, and each share entitled to a vote.

CHAP. CLXIX.

AN ACT *authorising the commissioners of the land office to sell certain lands therein mentioned to Ben Arnold Chesebrough.*

Passed April 15, 1818.

Be it enacted by the people of the state of New-York, represented in senate and assembly, That the commissioners of the land office shall be and hereby are authorised to issue letters patent to Ben Arnold Chesebrough, for all that certain tract or parcel of land described as follows, to wit: situate, lying and being in the towns of Sharon and Cobleskill, in the county of Schoharie, and state of New York, containing about two hundred and fifty acres, is bounded by three several tracts of land granted by the state of New-York, the one to Goldsborough Banyar and others, the other to John Robinson, and the third to William C. Spoyuheim, and one Heintz, upon his paying therefor into the treasury of this state, the value of the said land, to be ascertained by such appraisers as the commissioners of the land office shall appoint, exclusive of improvements, with the costs which have accrued in asserting the title of the state to the same.

CHAP. CLXX.

AN ACT *for the relief of Israel Johnson and Gabriel E. Fox;*

Passed April 15, 1818.

Be it enacted by the people of the state of New-York, represented in senate and assembly, That the comptroller be and he is hereby authorised to audit and allow the accounts of Israel Johnson and Gabriel E. Fox, two of the commissioners appointed under the act, entitled "an act for opening and improving certain great roads in this state," passed the twenty-sixth day of March, one thousand eight hundred and three, of their or either of their expenditures of monies received pursuant to the said recited act, without exacting the usual vouchers in support of the charges in their said account: *Provided*, they produce their own affidavit or affidavits, or that of either of them, or of such other person or persons as were appointed

ed their agent or agents, for paying out the monies charged in their said accounts, were actually expended as stated therein.

CHAP. CLXXI.

AN ACT *relative to jurors in certain actions.*

Passed April 15, 1818.

Be it enacted by the people of the state of New-York, represented in senate and assembly, That in penal actions for the recovery of any sum not exceeding fifty dollars, it shall not be a good cause of challenge that the jurors or the officer summoning them are liable to pay taxes in the town which may be benefited by such recovery.

CHAP. CLXXII.

AN ACT *to revive the act, entitled "an act to incorporate the Newburgh and Sullivan turnpike company," and to amend the same.*

Passed April 15, 1818.

Be it enacted by the people of the state of New-York, represented in senate and assembly, That the act, entitled "an act to incorporate the Newburgh and Sullivan turnpike company," passed March 30th, 1810 be, and the same is hereby revived, with all and singular its provisions and restrictions, and that the said company shall have the further time of five years for making and completing that part of said turnpike road not already completed and inspected according to law, from and after the passing of this act.

CHAP. CLXXIII.

AN ACT *authorising commissioners to lay out a road from Vernon to Rome, in the county of Oneida.*

Passed April 17, 1818.

Commissioners to lay out a road.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly,* That Henry M'Neil, Theodor Woodruff and Samuel Chandler, be and they hereby are appointed commissioners to lay out a road four rods wide, from the Seneca turnpike road, at the junction of the north and south road, westward of the house of Samuel Collins, in the town of Vernon, thence in the most direct and convenient route to or near the beaver dam, thence to the road east of the house of William Phelps; thence in the most convenient and direct course to or near the house of Moses Sayres, in the town of Rome; and that the same, when laid out, shall be worked and kept in repair by the several towns through which the same shall pass.

By whom kept in repair &c.

II. *And be it further enacted*, That the said commissioners, after laying out said road, shall cause the field notes of the survey thereof to be filed in the clerk's office of such town through which the same shall be so laid out, and the said commissioners and their surveyor shall each be allowed two dollars and fifty cents per day, for every day by them necessarily employed in the duties aforesaid, to be paid as part of the contingent expenses of said county.

Survey of road to be made and filed, and compensation to commissioners &c.

CHAP. CLXXIV.

AN ACT concerning the erection of a Church, for the benefit of the second christian party of the Oneida Indians.

Passed April 17, 1818.

WHEREAS by an act of the legislature, passed the fifteenth day of April, in the year one thousand eight hundred and seventeen, six hundred acres of land belonging to said party was directed to be sold, and the avails thereof to be applied to the building of a church for the benefit of said Indians; and by a report of the surveyor general on that subject, it appears that for the greatest part of the proceeds thereof, obligations have been taken and the residue paid into the treasury: *And whereas*, the legislature deem it of essential benefit to the said party, that they realize the amount of the sales immediately for that laudable purpose: Therefore,

Preamble;

I. *Be it enacted by the People of the State of New York, represented in senate and assembly*, That the obligations so taken, and the monies so paid, shall be credited to the general funds of the state, and the sum equal thereto be appropriated for the aforesaid purpose, and applied in the manner herein after mentioned; and that the person administering the government of this state, shall appoint some suitable person or persons as agents to superintend the building of a church for the benefit of the said Indians, whose duty it shall be to expend the money in a prudent and economical manner to the best advantage for said Indians, and after the completion of said church, to render an account to the person administering the government of this state, the amount of money expended, and manner of expending the same.

Appropriation for building church &c.

II. *And be it further enacted*, That the treasurer of this state shall, on the warrant of the comptroller, pay such sum or sums as the person administering the government of this state shall direct, to the agent or agents appointed by virtue of this act, out of any monies in the treasury not otherwise appropriated: *Provided*, the whole amount shall not exceed the sum for which the said six hundred acres have been sold; and if there shall remain any surplus after having paid all expences incident to the building of said church, the person administering the government of this state shall dispose thereof in such manner as the said Indians shall require: *And further*, the said agent or agents shall, before they proceed to the duties assigned them, procure sufficient security, to the satisfaction of the comptroller of this state, conditioned for the faithful discharge

Treasurer to pay certain monies.

Proviso.

of the duties in the erection and completion of said church, and the expenditure of all the money received by them or either of them, for the purposes aforesaid.

CHAP. CLXXV.

AN ACT for the relief of special bail in certain cases, and for other purposes.

Passed April 17, 1818.

Special bail
may surren-
der in cer-
tain cases.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly,* That if at any time hereafter any person shall be committed to the goal of any city or county in this state, in any civil suit, hereafter to be commenced and prosecuted, it shall be lawful for his special bail, in any other suit or suits depending in any court of common pleas or mayor's court of any other city or county, to surrender such principal to the custody of the sheriff of such city or county, having the actual custody of such principal; and such sheriff shall be bound to keep and detain such principal, on such surrender, as if the same had been made in a suit pending in the court of common pleas of the county whereof he is so sheriff; and he shall be liable to all actions of escape, or other misfeasance, in like manner; and such surrender may be made before a judge of the supreme court, or before a judge of the court of common pleas of such county, and shall be of like effect as if made in the manner now allowed by law: *Provided however,* that nothing in the act contained shall be deemed or construed to extend to any case where such principal or defendant shall have been so committed, by collusion between such defendant or principal and the bail by whom he shall have been surrendered, or plaintiff on whose execution he shall have been so committed.

Expenses.

Plaintiff
may charge
principal in
execution in
such cases.

II. *And be it further enacted* That whenever such principal shall be so surrendered, it shall be lawful for the plaintiff in such suit, wherein such surrender is made, and after judgment therein, to issue his writ of execution against the body of the said principal, in the same manner and form as is now accustomed; and upon delivering such execution to the sheriff having the custody of such principal, such sheriff shall be bound to serve the same, in like manner as if such execution had been issued out of the court of common pleas of the county whereof he is so sheriff, and had been directed to him as sheriff, and shall be liable in like manner for all escapes or other misfeasance: *Provided,* that the plaintiff shall indorse on such execution in his favor the following words, "By the statute entitled "an act for the relief of special bail in certain cases, and for other purposes."

Expenses.

Jurisdiction
of court un-
der imprison-
ed debtor
act.

III. *And be it further enacted,* That the court of common pleas of the county where such person is actually imprisoned as aforesaid, shall have the same jurisdiction under the act "for the relief of debtors, with respect to the imprisonment of their persons," as if the execution whereon he was so imprisoned was issued out of that court or out of the supreme court; and shall in cases of execu-

tions issued by virtue of this act, and on application of the party so imprisoned, proceed in like manner and with like effect.

IV. *And be it further enacted*, That the power given by the first section of this act to a judge of the supreme court, may be executed by any recorder or commissioner possessing the power of a judge of the supreme court, at chambers, under the statute now in force.

Powers of recorder or commissioner.

CHAP. CLXXVI.

AN ACT concerning the gospel and school lot in the town of Hector.

Passed April 17, 1813.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly*, That it shall and may be lawful for the trustees of the town of Hector, and they are hereby directed and required, annually to pay into the hands of the commissioners of common schools of said town the interest arising from the rents and sale of the gospel and school lot in said town.

Trustees of Hector to pay certain interest.

II. *And be it further enacted*, That the whole of the principal and interest now in the hands of the said trustees, or which may hereafter come into the hands of the said trustees, which has or shall arise from the rents and sale of the said gospel and school lot, shall be loaned by the said trustees on land security, and the annual interest arising thereon shall be appropriated to the support of common schools in said town, and for no other purpose.

Appropriations for common schools in said town.

III. *And be it further enacted*, That the said commissioners of common schools shall pay over the same to the several school trustees of the several school districts now or hereafter to be organized in said town, in the same manner and proportions, and under the same regulations, as other money which shall or may come in their hands from the school funds of this state, who are hereby directed and required to apply the same to the payment of the wages of teachers to be employed in the several districts, in and by virtue of the act for the better establishment of common schools.

Wages of teachers in that town.

IV. *And be it further enacted*, That the said trustees, before they shall enter upon the duties of their office, shall execute a bond to the supervisors of said town, in the penal sum of twenty-thousand dollars, with such surety as the said supervisors shall approve, with a condition thereunder written, that the said trustees shall honestly and faithfully discharge the trusts reposed in them by this act, and the act concerning the gospel and school lots, passed the second day of April, 1813.

Trustees to execute bonds.

V. *And be it further enacted*, That the fourth section of the act, entitled "an act concerning the gospel and school lots," passed the second day of April, in the year one thousand eight hundred and thirteen, so far as respects the said town of Hector, shall be and the same is hereby repealed.

A certain section repealed.

VI. *And be it further enacted*, That the said trustees shall be allowed a reasonable compensation for their services and expenses, to

Compensation to trustees.

be audited, collected and paid, in the same way as other town expenses in said town are directed to be audited, collected and paid.

CHAP. CLXXVII.

AN ACT to prevent the destruction of fish in Buttermilk pond, in the town of Northeast, in Dutchess county.

Passed April 17, 1818.

I. Be it enacted by the people of the state of New-York, represented in senate and assembly, That it shall not be lawful for any person, at any time or in any manner, before the first day of May, which will be in the year one thousand eight hundred and twenty, to catch or take any fish in the pond called Buttermilk pond in the town of Northeast, in Dutchess county; nor shall it be lawful at any time thereafter to catch or take any fish in said pond by means of seines or nets.

II. And be it further enacted, That if any person shall fish in said pond, contrary to the provision aforesaid, he shall, for each offence, forfeit the sum of ten dollars, to be sued for and recovered by any person who will prosecute for the same, with costs of suit, in any court having cognizance of the same; the one half of which forfeiture, when recovered, shall be for the use of the person who shall prosecute for the same, and the other half shall be paid to the overseers of the poor of the said town of Northeast, for the support of the poor thereof.

CHAP. CLXXVIII.

AN ACT to incorporate the Benton and Wayne turnpike road company.

Passed April 17, 1818.

Company incorporated.

I. Be it enacted by the people of the state of New-York, represented in senate and assembly, That Robert Troup, Jeremiah Gillett, Sherman Lee, John B. Mitchell, Ephraim Sandford, Morris Seely and Dugald Cameron, and such other persons as shall associate for the purpose of making a good and sufficient turnpike road, commencing at captain Jeremiah Gillett's, on the east side of the outlet of the Crooked lake in the town of Benton, in the county of Ontario, and running from thence to Sherman Lee's; from thence to Teeple's old stand, and from thence to John B. Mitchell's, Enos Silsbee's, Ephraim Sandford's, Dewitt's, Walters's, Hull's, and from thence to the head of the said Crooked lake, in the county of Steuben, be and hereby are created a body corporate and politic, in fact and in name, by the name of the president and directors of the "Benton and Wayne turnpike road company;" and by that name shall have continual succession, and be persons capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and

style

places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and shall make and use a common seal, and may alter the same at pleasure, and shall be capable in law of purchasing, holding and conveying any estate, real and personal, for the use of the said company : *Provided always*, that such estate, as well real as personal, so to be purchased and held, shall be necessary to fulfil the end and intent of the said corporation. Provide

II. *And be it further enacted*, That the said turnpike road shall be made in every respect agreeable to the directions of the act, entitled " an act relative to turnpike companies," passed the 13th day of March, 1807. Road.

III. *And be it further enacted*, That the stock of the said company shall consist of four hundred shares, of fifty dollars each ; and that Jeremiah Gillett, Sherman Lee and John B. Mitchell, be and they are hereby appointed commissioners to receive subscriptions for said stock, in the manner directed in and by the said act. Stock.

IV. *And be it further enacted*, That the company hereby incorporated, shall be entitled to exact, demand and receive of and from every person travelling on, or using said turnpike road, at each and every of the gates and turnpikes to be erected upon and across the said turnpike road, the following rates of toll, to wit: for every coach or four wheeled pleasure carriage or pleasure waggon, drawn by two horses, twenty-five cents ; for every waggon or carriage drawn by two horses, mules or oxen, twelve and a half cents, and three cents for every additional horse, mule or ox attached to such waggon or carriage ; for every cart or other carriage, drawn by one horse, mule or ox, six cents, and for every additional horse, mule or ox attached to such cart or carriage, three cents ; for every horse and rider, six cents ; for every horse or mule, led or driven, three cents ; for every chaise, chair, sulkey or other pleasure carriage, drawn by one horse or mule, twelve and a half cents, and six cents for every additional horse or mule ; for every sleigh or sled drawn by two horses, mules or oxen, six cents, for every additional horse, mule or ox, three cents ; for every sleigh or sled drawn by one mule or ox, four cents ; for every score of cattle, horses or mules, twenty cents ; and for every score of sheep or hogs, eight cents, and so in proportion for a greater or less number. Toll.

V. *And be it further enacted*, That Valentine Brother and David Hudson, or one of them, be and they are hereby appointed commissioners or commissioner to lay out and establish the said turnpike road ; and that the said company hereby incorporated, shall have and enjoy all the rights, privileges, powers and immunities which are given and granted in and by the said act, entitled " an act relative to turnpike companies," and shall be subject to all the conditions, provisions, limitations, restrictions and regulations in the said act contained : *Provided always*, that the said company shall be allowed five solar years from the passing of this act, for completing the said turnpike road, any thing in the said act to the contrary notwithstanding. Commissioners to lay out road.

VII. *And be it further enacted*, That the number of directors for managing the concerns of the said company hereby incorporated, Directors.

shall be seven, and that four of them shall be a quorum, and capable of transacting the business of the company.

CHAP. CLXXIX.

AN ACT authorising the erection of half toll gates on the Waterford and Whitehall turnpike.

Passed April 17, 1818.

A toll gate to be erected.

I. Be it enacted by the people of the state of New-York, represented in senate and assembly, That whenever the president and directors of the Waterford and Whitehall turnpike company shall have completed five miles of said road from Whitehall southward, in conformity to their act of incorporation, and the several acts amending the same, it shall be lawful for them to erect a gate thereon, and to receive one half the toll which by virtue of the said acts may be received at a full toll gate, until the adjoining five miles shall be completed, at which time it shall become a full toll gate, agreeable to the act of incorporation.

Temporary half toll gates.

! I And be it further enacted, That when the said president and directors shall have completed any five miles of said road from the termination of such portion of said road as shall actually have been completed, and have erected thereon a full toll gate, it shall be lawful for them to erect temporary half toll gates, agreeably to the provisions of the foregoing clause: *And further,* that it shall be lawful for the said president and directors to appropriate the tolls of the several gates to the completion of the said turnpike: *Provided,* that if the said president and directors shall at any time hereafter erect a half toll gate in pursuance of the provisions of this act, and shall not within two years from the time of erecting the said half toll gate, finish and complete an additional five miles, so as to entitle them to convert the said half toll gate into a whole toll gate, then the said president and directors shall cease to exact and take toll at the said half toll gate until the said additional five miles of the said road shall be completed, agreeably to the provisions of this act.

Toll how applied.

Proviso.

CHAP. CLXXX.

AN ACT to amend an act, entitled "an act to incorporate the village of Geneva, in the county of Ontario."

Passed April 17, 1818.

Powers and duties of constables in Geneva.

1. Be it enacted by the people of the state of New-York represented in senate and assembly, That the constables hereafter to be chosen in said village, by virtue of the act hereby amended, are hereby invested with the same powers and authority, and subjected to the same duties in all cases, civil and criminal, within the county of Ontario, as by law appertain and belong to the constables chosen at the annual town meetings of the town of Seneca: *And further,* that it shall be their duty to give notice to the trustees of said vil-

lage of all such breaches or violations of any of the ordinances or by-laws of said village as shall come to their knowledge; and the pound keepers hereafter to be chosen in and for said village, shall have the same powers and authority, and be subjected to the same duties within said village as by law appertain and belong to the pound keepers chosen for the said town of Seneca.

and of pond keepers.

II. *And be it further enacted*, That it shall and may be lawful for the trustees of said village, for and on behalf of the freeholders and inhabitants thereof, to receive from the president and directors of the Seneca turnpike company a cession or grant of so much of the Seneca turnpike road as lies between the corner of William M'Cormick's tavern and the western boundary line of said village, and also to receive as aforesaid, from the president and directors of the Ithaca and Geneva turnpike company a cession or grant of so much of their turnpike road as lies within the bounds of said village, the evidence of which said cessions or grants shall be in writing, under the seals of the said turnpike companies respectively, and signed by the respective presidents of said companies, and recorded in a book of records of deeds, in the office of the clerk of the county of Ontario, and for the resording of which the said clerk shall receive the same fees as by law he may receive for the recording of deeds; and that from and after the time of recording the evidence of the said cessions or grants as aforesaid, the said turnpike companies respectively shall be discharged from all further responsibility and expense in keeping in repair the above mentioned portions of the said turnpike roads respectively, and that the same shall thence forward be deemed and considered, to all intents and purposes, to belong to and constitute a part of the public highways of said village, and shall be kept in repair at the expense of the freeholders and inhabitants thereof.

Part of two turnpike roads to be ceded to the trustees of Geneva.

III. *And be it further enacted*, That from and after the first day of April, in the year one thousand eight hundred and eighteen, all the roads, streets and public highways within said village, shall constitute one or more road districts, in the discretion of said trustees, for which an overseer or overseers of highways shall be appointed at the annual election to be held in said village, and who shall receive such compensation for their services as by the said trustees shall be deemed reasonable and just; and that the said trustees shall be ex officio commissioners of highways, and possess the same powers and authority, and be subjected to the same duties within said village as by law appertain and belong to the commissioners of highways in and for the said town of Seneca.

Road districts within the village of Geneva.

Trustees commissioners of highways.

IV. *And be it further enacted*, That all firemen hereafter to be appointed by the said trustees, not exceeding twenty in number to each and every fire engine kept fit for use in said village, shall be exempt from militia duty, except in cases of invasion or insurrection.

Firemen exempt from military duty.

V. *And be it further enacted*, That the sixth and eleventh sections of the act hereby amended, be and the same are hereby repealed.

Certain sections repealed.

CHAP. CLXXXI.

AN ACT to vest the debts and property of the Westchester county manufacturing society in trustees, and for the relief of the creditors of the said society.

Passed April 17, 1818.

Preamble.

WHEREAS the directors of the said Westchester county manufacturing society, have by their petition presented to the legislature, set forth that the said society was incorporated by an act of the legislature of this state, passed February 22, 1811; that by reason of the insolvency of the said society, its business and affairs were suspended on or about the month of December, in the year of our Lord one thousand eight hundred and fifteen; that no regular election of directors was made, when the same ought to have been last made, pursuant to the provisions of the said act of incorporation; and that by reason thereof, no person or persons is or are authorised to settle the affairs, collect the outstanding debts and property of the said society and to divide the same among the creditors of the said society, and have prayed legislative relief in the premises: Therefore,

Trustees to settle affairs of society.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly,* That Abraham Bloodgood, Samuel A. Lawrence and Charles Graham, be and they are hereby appointed trustees of the said Westchester county manufacturing society; with full power to settle the affairs, and collect the outstanding debts and property of the said company.

Powers of trustees.

II. *And be it further enacted,* That the persons constituted trustees as aforesaid, and the survivors of them, shall have authority to sue for and recover the aforesaid debts and property, by the name of the trustees of the Westchester county manufacturing society, in any court having cognizance thereof, and shall be entitled to charge a commission of five per cent. on all monies which shall come to their hands in virtue of this act, over and above their costs, charges and expenses in the premises.

Monies and property how divided.

III. *And be it further enacted,* That the said trustees or the survivors of them, shall from time to time divide the monies and other property which they may collect or receive in virtue of this act, to and among the creditors of the said company pursuant to law.

CHAP. CLXXXII.

AN ACT for the relief of Adam G. Mappa and others.

Passed April 17, 1818.

Be it enacted by the people of the state of New-York, represented in senate and assembly, That the attorney general, be and he is hereby required to suspend all proceedings against Adam G. Mappa and others for the collection of the money loaned to them by this state, or any part thereof, until the first day of May, in the year one thousand eight hundred and twenty: *Provided,* that said

loan is, in the opinion of the comptroller, amply secured according to existing laws.

CHAP. CLXXXIII.

AN ACT for the relief of *Sylvanus Smalley and Zebulon Douglass.*

Passed April 17, 1818.

WHEREAS it appears by an act passed the ninth day of April, one thousand eight hundred and eleven, that Sylvanus Smalley, and Zebulon Douglass were appointed commissioners to build certain bridges therein mentioned, but that no provision was made by the act for any allowance for their time and expenses: Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That the comptroller, in settling the accounts of the commissioners, in relation to the building of said bridges be authorised to allow to each commissioner the sum of two dollars for each day he shall have spent in the discharge of the duties enjoined by the said act.

CHAP. CLXXXIV.

AN ACT to incorporate the *Hamilton free school, and for other purposes.*

Passed April 17, 1818.

WHEREAS Valentine Nutter and others have established a ^{Preamble} common school in the ninth ward of the city of New-York, and intend also to fit the same for a place of public worship; and have prayed to be incorporated, and otherwise aided by the state,

1. *Be it enacted by the people of the state of New-York, represented in senate and assembly,* That Samuel Watkins, Jacobus Dyckman, Augustus Greele, James Beekman, Valentine Nutter, W. S. Randal and their associates, residents in the vicinity of Fort Washington, in the county of New York, are hereby constituted and declared to be one body corporate and politic, in fact and in name, by the name of "the trustees of Hamilton free school," and ^{Style} by that name they and their successors may forever hereafter have perpetual succession, and shall and may, by the same name, be persons ^{Corporation created.} capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever; and that they and their successors may have a common seal, and may change and alter the same at their pleasure; and shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of the said corporation: ^{Provided} *Provided*, such estate shall not exceed the sum of five thousand dollars.

II. *And be it further enacted,* That Valentine Nutter, Samuel Brackhurst, Jacobus Dyckman, Samuel Watkins and Augustus ^{First trustees.}

Future elec-
tions.

Greedy, shall be and are hereby declared to be the first trustees of the said school, and shall continue to be trustees for the purposes aforesaid, until the first Tuesday in March next, and until others be chosen in their places; and that it shall and may be lawful for the said associates, for the time being, to assemble on the first Tuesday in March in each and every year, at such time of the day and place as the trustees, or a major part of them, shall appoint by advertisement, or in such other way as they may deem proper, and under the direction of the said trustees, or such of them as shall be present, who are hereby made inspectors of such election; and then and there by a majority of votes to elect five discreet persons to be trustees as aforesaid, who shall continue in office one year, and until others shall be chosen in their places; and which trustees shall meet once a month to examine into the state of the school, and to transact such business as may be requisite.

Powers of
trustees.

II. *And be it further enacted*, That the said trustees are hereby authorised and empowered, from time to time, to make, ordain, constitute and establish, such prudential rules, orders and regulations as a majority of them shall judge necessary and expedient, for the better securing to the said corporation the property with which they are or may become vested, and also for well ordering and regulating the said school in such manner as will best promote the interest of the said institution.

School mo-
nies payable
to them.

IV. *And be it further enacted*, That the commissioners mentioned in the act, entitled "an act supplementary to the act, entitled an act for the establishment of common schools," passed the twelfth day of March, in the year of our Lord one thousand eight hundred and thirteen, shall, out of the monies which they may from time to time receive in virtue of the said act, pay to the trustees of the said Hamilton free school, for the time being, such portion of the said monies as the said school from time to time will be justly entitled to, according to the ratio established by the said act; and that all the provisions of the said act, except in so far as relates to religious corporations, or to other schools therein mentioned, shall apply to the school hereby incorporated.

CHAP. CLXXXV.

AN ACT for the relief of Aaron Reed, Ira Dewey and Joseph Briggs.

Passed April 17, 1818.

WHEREAS Aaron Reed, was, in the year one thousand eight hundred and seventeen, chosen collector for the town of Schoharie, and while proceeding in the duties of his office, he lost by accident, five hundred and ninety four dollars and seventy one cents, which deficiency he is now wholly unable to pay: *And whereas* Isaac Dewey and Joseph Briggs, who were his sureties, will have to pay the said deficiency, and represent that they are wholly unable to pay said deficiency, without a great sacrifice of property: Therefore,

Be it enacted by the people of the state of New-York, represented in senate and assembly, That the comptroller is hereby authorised and required to take security from the said Aaron Reed, Ira Dewey and Joseph Briggs, or either of them, for the said sum of five hundred and ninety-four dollars and seventy-one cents, for such time and in such manner as he is directed to loan monies belonging to the school fund, in the second section of the act concerning the funds for the encouragement of common schools; and the comptroller, upon the receipt of such security, shall credit the same to the said collector or his sureties, and issue his certificate to the treasurer of the county of Schoharie, stating that the said sum of five hundred and ninety-four dollars and seventy-one cents has been paid by the said collector or his sureties; and the treasurer on the receipt of said certificate, shall account with and credit the same to the said collector or his sureties, as so much money received; and that in settlement by him with the comptroller the same be credited to the county of Schoharie.

CHAP. CLXXXVI.

AN ACT relative to the Schoharie and Duanesburgh turnpike road.

Passed April 17, 1818.

WHEREAS the president, directors and company of the Schoharie and Duanesburgh turnpike road, have by their petition represented to the legislature that it is necessary, as well for the good of the public as for the interest of the company, to allow certain alterations to be made in the route of the said road, in order to avoid some hills, and to shorten the distance between certain intermediate points of said turnpike road; and also, that the said company is greatly in debt beyond their resources, for making said road, and that a tax is absolutely necessary to effect the alterations and for discharging the debts: Therefore,

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly,* That it shall and may be lawful for the president, directors and company of said road, to call on three of the judges of the court of common pleas of the county of Schoharie, or of the county Schenectady, not interested therein, whose duty it shall be to survey, lay out and direct such alterations in the route of said road, and of the width of four rods, in their respective counties, as they or a majority of them shall judge to be for the good of the public, and for the interest of the company: *Provided,* said alterations taken together, shall not exceed two and an half miles in length.

II. *And be it further enacted,* That when the said several alterations are marked out and designated, it shall and may be lawful for the president, directors and company aforesaid, to enter and take possession of the same, after paying the owner or owners of the lands such compensation as shall be agreed on between the parties by exchange of those parts of the present route as shall be rendered

**Commission-
ers.** each ; and Christopher C. Kiersted, Jacob Trumbour, Junior and Jeremiah Russell, are hereby appointed commissioners to receive subscriptions for the said stock, in the manner directed in and by the act, entitled " an act relative to turnpike companies," passed the 13th of March, 1807.

Toll.

III. *And be it further enacted*, That it shall be lawful for the company hereby incorporated, to exact and receive at a gate or turnpike to be erected on the said road, a proportion of toll, according to the length of the said road, for ten miles, the following rates of toll, to wit : for every score of sheep or hogs, six cents ; for every score of cattle, horses or mules, twenty cents ; for every chair, sulkey, chaise or other two wheeled pleasure carriage, drawn by one horse, six cents ; for every horse or mule rode, three cents ; for every horse led or driven, two cents ; for every stage waggon, chariot, coach, coachee, phaeton or other pleasure carriage, drawn by two horses, twelve and a half cents, and six cents for every additional horse ; for every cart or waggon, drawn by one horse, six cents ; for every cart or waggon other than stage waggons, drawn by two horses, mules or oxen, twelve and an half cents, and two cents for every additional horse, mule or ox ; for every sleigh or sled, if drawn by not more than two horses, mules or oxen, six cents, and for every additional horse, mule or ox, one cent.

**General
powers &c.**

IV. *And be it further enacted*, That the company hereby incorporated, shall have and enjoy all the rights, privileges and immunities which are given and granted in and by the aforesaid act relative to turnpike companies, and shall be subject to all the conditions, provisions and restrictions therein contained.

CHAP. CXC.

AN ACT to incorporate the Otsego Lake turnpike company.

Passed April 17, 1818.

**Corporation
created.**

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly*, That John H. Prentiss, William Gibson, James Young, Daniel Gilchrist, Robert Ormiston and such other persons as shall associate for the purpose of making a good and sufficient turnpike road, to begin at or near the first angle in the second great western turnpike company's road, east of the Susquehannah bridge, and extending from thence on the most convenient and practicable route to the lands of Daniel Gilchrist, near Riddle's bay ; and from thence to the road of the third great western turnpike company, in the town of Springfield, in Otsego county, near the store of William Gibson, and their successors, be and they are hereby created a body corporate and politic, by the name of " the president directors and company of the Otsego Lake turnpike," and they are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, and by that name they and their successors shall and may have continual succession, and be persons capable of suing and being sued, pleading and being

Style.

impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, complaints, matters and causes; and by the same name and style, shall be in law capable of purchasing, holding and enjoying any estate, real and personal, for the use of the said corporation: *Provided*, that such estate, as well real as personal, so to be purchased and held, shall be necessary to fulfil the end and intent of the said corporation, and for no other purpose whatsoever.

II. *And be it further enacted*, That the stock of the said company shall consist of ten thousand dollars, in shares of twenty-five dollars each; and that James Young, Robert Ormston, Daniel Gilchrist and John H. Prentis, be and they are hereby appointed commissioners to receive subscriptions for the said stock, in the manner directed in and by the act, entitled "an act relative to turnpike companies," passed the thirteenth day of March, one thousand eight hundred and seven. Stock.
Commissioners.

III. *And be it further enacted*, That as soon as the road hereby authorised, shall be completed, and a licence obtained in the manner specified in the act above referred to, it shall be lawful for the said president directors and company to cause one whole toll gate or two half toll gates to be erected on the same road, and at such place or places as the person administering the government of this state, for the time being, shall deem necessary, to collect the tolls allowed by this act. Toll gates.

IV. *And be it further enacted*, That it shall and may be lawful for the president and directors to appoint a toll gatherer or toll gatherers, to collect and receive of and from all and every person and persons using the said road, the following tolls and duties: for every score of cattle, horses or mules, twenty cents; for every score of hogs or sheep, six cents; for every chair, sulkey or chaise, with one horse, twelve cents; for every horse rode four cents; for every led or driven horse, four cents; for every chariot, coach, coachee or phaeton, twenty-five cents; for every cart or waggon, drawn by one horse, six cents; for every stage waggon or other four wheeled carriage, drawn by two horses, mules or oxen, twelve cents, and four cents for every additional horse, mule, or ox; for every sleigh or sled, six cents if drawn by two horses, mules or oxen, and in like proportion if drawn by a greater or less number of horses, mules or oxen; and in case two half toll gates are erected on said road, one half of the above mentioned toll may exacted and received at each of said gates. Toll.

V. *And be it further enacted*, That the president, directors and company, hereby incorporated, shall have and enjoy all the rights, privileges, powers and immunities which are given and granted in and by the before recited act, relative to turnpike companies, and of the act, entitled "an act concerning turnpike roads," passed April 10th, 1813, and shall be subject to all the conditions, provisions, restrictions, penalties and regulations contained in the same. General rights and powers.

CHAP. CXCI.

AN ACT *authorising the supervisors of the county of Madison, to raise money by tax, to build a Gaol therein, and for other purposes.*

Passed April 17, 1818.

Supervisors
to raise cer-
tain monies
by tax.

I. BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall be the duty of the supervisors of the county of Madison, at their next annual meeting, and they are hereby authorised and required to cause to be assessed, collected and paid into the treasury of the said county, the sum of two thousand dollars, and also at their second annual meeting, a further sum not exceeding two thousand dollars, over and above the ordinary fees of collection in like manner as taxes to defray the contingent expenses of said county, are assessed, collected and paid, for the purpose of erecting and completing a gaol in said county, and that Thomas Greenly, David Gaston, John Mattison, be and they are hereby appointed commissioners to superintend the building thereof.

Commission-
ers appoint-
ed.

Commission-
ers to super-
intend build-
ing of gaol.

II. And be it further enacted, That it shall be lawful for the said commissioners, or a majority of them, to superintend the building of the gaol in said county, to build and construct the same upon such plan or plans as the said commissioners or a majority of them shall judge best, and the said commissioners, or a majority of them, may contract with workmen, and purchase materials for erecting the said gaol, and if necessary for the proceeding with the building of the said gaol, may expend in and about the same, the monies which shall be repaid and settled out of the sums heretofore appropriated for building a court house and gaol in said county, and also out of the said sums so as aforesaid, to be collected and levied for the building of a gaol whenever the same shall be levied and collected, and they shall from time to time draw upon the treasurer of the said county for such sums of money, for the purposes aforesaid, as shall come into his hands, and the said treasurer is hereby directed, out of the monies aforesaid, to pay to the order of the said commissioners the several sums of money to be by them drawn for; and it is hereby made the duty of the said commissioners to account with the supervisors of the said county, for the monies which they shall have received from the treasurer, when thereunto required.

To draw for
monies.

To account.

To take an
oath.

Give bonds.

III. And be it further enacted, That it shall be the duty of the said commissioners, before they enter upon the duties required of them by this act, to take and subscribe an oath, well, faithfully and honestly to perform the same, and shall immediately thereafter, each give a bond to the supervisors aforesaid, with sufficient sureties, to be approved of by the clerk of the board of supervisors of the said county, in the penal sum of four thousand dollars, conditioned for the faithful application of the money to be by them received or drawn as aforesaid.

Part of an act
repealed.

IV. And be it further enacted, That so much of the act passed the seventeenth day of March, one thousand eight hundred and fif-

teen, entitled "an act relative to altering and fixing the site for the Court House and gaol in the county of Madison," as relates to commissioners to superintend the building of a Court House and gaol in said county, be and the same is hereby repealed: *Provided always*, that nothing herein contained shall be construed to exonerate the said commissioners from accountability in the manner prescribed by the last mentioned act.

CHAP. CXCII.

AN ACT relative to billiard tables and for other purposes.

Passed April 17, 1818.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly*, That the provisions contained in the thirty-fourth and thirty-fifth sections of the act entitled "an act for the payment of certain officers of government, and for other purposes," passed April 15th, 1814; and also the provisions in the fifth and sixth sections of the act, entitled "an act to amend the act, entitled, "an act concerning the inspection of seal leather, and for other purposes," passed April 18th 1815; and also the provisions of the first section of an act concerning Union college, passed April 1, 1808, be and the same are hereby extended to the third and fourth wards of the city of Schenectady. Certain provisions extended.

II. *And be it further enacted*, That it shall and may be lawful for the senior trustee of the Schenectady academy, by giving notice to all the other trustees, to convene the same; and the trustees so convened, shall be a board competent for the election of members to fill the existing vacancies which have been occasioned by death, resignation or removal of any former trustees, and that the charter of the said academy be revived, any nonuser notwithstanding. Power of senior trustee of Schenectady academy.

CHAP. CXCIII.

AN ACT regulating the sheriffs fees in the county of Genesee.

Passed April 17, 1818.

Be it enacted by the People of the State of New-York, represented in senate and assembly, That the mileage fees of the sheriff of the county of Genesee for serving all writs and process shall be taken and computed from the court house in the said county, any law to the contrary notwithstanding.

CHAP. CXCIV.

AN ACT relative to the lands belonging to the people of this state in the St Regis reservations.

Passed April 20, 1818.

Certain village lots to be laid out.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly,* That the surveyor general, together with two other persons to be appointed by the person administering the government of this state, shall be commissioners to lay out or cause to be laid out, so much of the mile square of St. Regis reservation, as they shall deem proper for a village or villages into village lots, of such sizes, and intersected by streets of such width as they shall judge to be most advantageous to the people of this state; and that in laying out the said village or villages, suitable lots shall be designated by the said commissioners for public buildings for the use of the said village or villages.

Certain land reserved for public purposes.

II. *And be it further enacted,* That previous to the laying out of the said village or villages, the person administering the government, shall direct the said commissioners to survey and lay out so much and such parts of the said reservation, not exceeding in the whole sixty acres, as he shall deem proper to be set apart and be reserved for public purposes, to be hereafter designated by the legislature.

Farms of 200 acres to be surveyed and laid out.

III. *And be it further enacted,* That the said commissioners shall also survey or cause to be surveyed and laid out into farms, not exceeding two hundred acres each, the residue of the lands belonging to the people of this state, in the St. Regis reservations; and that in surveying and laying out the said village lots and farms, the said commissioners shall, as far as may be practicable, include the improvements of the respective occupants of the land in separate lots or farms.

Maps to be made and filed.

IV. *And be it further enacted,* That the surveyor general shall cause two separate and correct maps of the said village or villages, and farms respectively, to be made, and shall file a copy of each of the said maps in the office of the secretary of this state, and retain the other copies in his office for the inspection of all persons who may request the inspection thereof.

And also field books.

V. *And be it further enacted,* That the said commissioners shall also cause an accurate field book or books to be made of the surveys of the said village or villages and farms, and filed in the secretary's office; and that the said commissioners shall, as soon as the said surveys are completed, estimate and appraise on oath, according to the best of their information and judgment, the value of the said village lots and farms respectively, exclusive of any improvements which may have been made thereon; and it shall be the further duty of the said commissioners to estimate upon oath, to be administered by one of the judges of the court of common pleas of any county in this state, the value of the said improvements respectively, and to examine and ascertain, as well the nature of the said improvements, the persons by whom made, the rights and authority under which they were made, the names of the person or persons

Value of the land to be estimated.

And also of the improvements thereon.

Occupants to be ascertained, &c. and their claims.

who in their opinion have the strongest claims, if any, for such improvements, and to report their doings in the premises to the legislature at their next session.

VI. *And be it further enacted*, That the commissioners who may be appointed as aforesaid, shall severally be allowed for their services and expenses at the rate of four dollars per day; and it shall be the duty of the comptroller to audit their accounts, and draw his warrants on the treasury for the payment thereof: *And further*, that such commissioners shall have power to examine witnesses on oath, to be administered by the said commissioners or one of them, to compel the attendance of such witness, by summons, under the penalty of fifty dollars for each omission, and that all false swearing by any witness so to be examined, shall be deemed perjury, and subject the person so guilty, to all the pains and penalties now inflicted by law upon those who are guilty of wilful and corrupt perjury.

Compensation to the commissioners.

Their powers in respect to witnesses.

Penalties.

VII. *And be it further enacted*, That the comptroller shall also draw his warrant on the treasurer, in favor of the surveyor general, for such sum or sums of money as shall be necessary to defray the expenses which he may incur in the performance of the duties enjoined upon him by this act.

Expenses under this act to be paid.

CHAP. CXCIV.

AN ACT to vest certain powers in certain Judges of the Courts of Common Pleas, and for other purposes

Passed April 20, 1818.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly*, That any Judge of the several courts of common pleas in this state, being of the degree of counsellor at law of the Supreme Court, shall be and he is hereby authorised and empowered, to do and perform all the duties, and exercise all the powers, which are or may be done and performed by the several commissioners appointed by virtue of the act, entitled "an act to appoint commissioners to perform certain duties of Judges of the Supreme Court," passed February 25th, 1813, and also to do and perform all the duties, and exercise all the powers which are given to such commissioners, by any subsequent acts of the Legislature, and they shall be entitled to receive therefor the like fees.

Judges of the degree of counsellors at law, exercise the powers of judges of supreme court at chambers. [vide 1 vol. N. L. page 323.]

II. *And be it further enacted*, That the person administering the government of this state, by and with the advice and consent of the Council of Appointment, shall from time to time appoint a fit and proper person as a commissioner to reside in the town of Plattsburgh, in the county of Clinton, and also a fit and proper person as a commissioner in the town of Kingsbury, in the county of Washington, and also a fit and proper person as a commissioner in the county of Orange, who by virtue of this act, shall respectively be authorized and required to perform the duties of a Judge of the Su-

Commissioners in Clinton Washington and Orange to be appointed.

preme Court, and to do and execute every power and trust which according to the practice of the said court, the Judges thereof may perform and execute out of court in all cases, both civil and criminal, to allow writs of habeas corpus and writs of certiorari, and also to execute an act, entitled "an act for relief against absconding and absent debtors," and also the act, entitled "an act for giving relief in cases of insolvency," and the several acts amendatory thereto, in like manner as judges of the Supreme Court, may or might allow and execute the same.

Commissioners to be counsellors at law and to take an oath of office.

III. *And be it further enacted*, That each of said commissioners shall be counsellors of the Supreme Court, and before they enter upon the duties of their office, shall take and subscribe before the clerks or one of the Judges of the courts of common pleas in the counties of Clinton, Washington and Orange, in which they shall reside, an oath well and truly to execute and perform the duties prescribed in and by the act, which oath shall be filed in the office of the clerks of said counties.

Fees allowed.

IV. *And be it further enacted*. That it shall be lawful for the said commissioners to take and receive the same fees for the services performed by virtue of this act, as the recorders of the several cities in this state, are allowed for the like services.

Judge of supreme court residing in New-York entitled to fees for chamber business.

V. *And be it further enacted*, That any Judge or Judges of the Supreme Court, who shall reside in the city of New-York, shall be entitled to receive fees for chamber business in the Supreme Court, and for other services appertaining to their office, in the same manner, as any other officer may now do for like services.

CHAP. CXCVI.

AN ACT for the relief of Hugh M'Coll and Asa Northam.

Passed April 20, 1812.

Enacted.

WHEREAS by an act of the Legislature of this state, entitled "an act, for the relief of James Hopkins, Hugh M'Coll, Daniel M'Donald, Samuel Sweet, James Roch, William Roch and John Nelson," passed 9th March, 1810, the commissioners of the land office were directed, among other things, to grant unto William Roch, certain land in the town of Hebron, in the county of Washington, on certain terms and conditions in the said act mentioned: *And whereas* a survey and appraisement was duly made under the said act, and the same was returned and filed in the office of the secretary of this state, by which it appears that lot number six, containing sixty-five acres, was the land to which the said William Roch was entitled, and the same was duly appraised at three dollars per acre, as by the said survey and appraisement, may fully appear, but by reason of the death of the said William Roch, which occurred about the time of the passing of the said act, and his two children being then minors, no letters patent were issued for the said land: *And whereas*, the only issue of the said William Roch (who died intestate) were his two sons, William Roch (the younger) and

Chester Roch, and they, since their arriving at the age of twenty-one years respectively, have sold and conveyed all their right and interest in the said land so surveyed and appraised, and the same is now vested in fee in Hugh M'Coll and Asa Northum in the manner herein after described, and the said Hugh M'Coll and Asa Northum, having prayed the Legislature for a grant of the said lands, to them in severally, according to the metes and bounds herein set forth, upon each of them securing to be paid to the people of this state, his equal half of the said appraised value, with interest, at the rate of six per centum per annum; and the said prayer appearing just and reasonable, Therefore,

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly,* That the commissioners of the land office, be and they are hereby authorised and required by letters patent, under the great seal of this state, to grant unto Hugh M'Coll, his heirs and assigns forever, all and singular that part of the aforesaid lot number six, comprised within the following bounds, viz: beginning at a stake and stones being the south west corner of the said lot number six, and running thence north twenty-five degrees east, twenty chains, to a stake and stones, thence south seventy-six degrees east, three chains and thirty-nine links, to a stake and stones, thence north eighty-five degrees and thirty minutes east, sixty-five links, to a stake and stones, thence north six degrees and thirty minutes east, three chains and sixty-four links, to a stake and stones, thence south fifty-eight degrees east, thirteen chains and sixteen links to a stake and stones, thence south thirteen chains and fifty links, to a stake and stones, thence south eighty-eight degrees and forty minutes west, twenty-four chains and sixteen links, to the aforesaid place of beginning, containing thirty-two acres and a quarter of an acre; and the said commissioners of the land office, by letters patent under the great seal of this state, are also hereby directed to grant the residue of the said lot number six, unto Asa Northum, his heirs and assigns forever: *Provided* nevertheless, that the said Hugh M'Coll and Asa Northum, shall respectively execute and deliver bonds and mortgages to the people of this state, on the premises so granted to them, respectively conditioned for the payment by each of the said parties, of the one equal half of the aforesaid appraised value of the said lot, in three years after the date of the said letters patent, to be issued to them respectively, with interest thereon, from the eleventh day of March, in the year one thousand eight hundred and eleven, at and after the rate of six per centum per annum: *And provided further,* that this act or any grant or grants, made in compliance thereof, shall not be construed or taken in any manner to interfere with any legal claim of any other person or persons, as to any title to any part of said land, that has accrued previous to, and shall exist at the time of the passing of this act.

Land office
to grant cer-
tain land to
H. M'Coll.

And to A:
Northum.

Proviso.

Further pro-
viso.

CHAP. CXCVII.

AN ACT to incorporate the Lyceum of Natural History, in the city of New-York.

Passed April 20, 1818.

Preamble.

WHEREAS the members of the Lyceum of Natural History, have petitioned for an act of incorporation and the Legislature impressed with the importance of the study, of Natural History, as connected with the wants, the comforts and the happiness of mankind, and considering it their duty to encourage all laudable attempts to promote the progress of science in this state : Therefore,

Corporation created.

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Samuel L. Mitchell, Caspar W. Eddy, Frederick C. Schaeffer, Nathaniel Paulding, William Cooper, Benjamin P. Kissam, John Torry, William Cumberland, D'Jurco V. Knevels, James Clements and James Pierce, and such other persons as now are and may from time to time become members, shall be and hereby are constituted a body corporate and politic, by the name of the Lyceum of Natural History, of the city of New York, and by that name they shall have perpetual succession, and shall be persons capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever ; and may have a common seal, with power to change or alter the same from time to time, and shall be capable of purchasing, taking, holding and enjoying to them and their successors, any real estate, in fee simple or otherwise, and any goods chattels and personal estate, and of selling, leasing or otherwise disposing of the said real and personal estate, or any part thereof at their will and pleasure : *Provided always*, That the clear annual value or income of such real and personal estate, shall not exceed the sum of five thousand dollars : *Provided however*, that the funds of the said corporation, shall be used and appropriated to the promotion of the objects stated in the preamble to this act, and those only.

Proviso.

Further proviso.

General powers.

II. *And be it further enacted*, That the said society, shall from time to time forever hereafter, have power to make, constitute, ordain and establish such by-laws and regulations, as they shall judge proper, for the election of their officers, for prescribing their respective functions, and the mode of discharging the same, for the admission of new members, for the government of the officers and members thereof, for collecting annual contributions from the members, towards the funds thereof, for regulating the times and places of meeting of the said society, for suspending or expelling such members, as shall neglect or refuse to comply with the by-laws or regulations, and for the managing and directing the affairs and concerns of the said society : *Provided*, such by-laws and regulations be not repugnant to the constitution and laws of this state, or of the United States.

Proviso.

III. *And be it further enacted*, That the officers of the said society, shall consist of a president, two vice presidents, a corresponding secretary, a recording secretary, a treasurer and five curators, and such other officers as the society may judge necessary, who shall be annually chosen, and who shall continue in office for one year, or until others shall be elected in their stead. That if the annual election shall not be held at any of the days for that purpose appointed, it shall be lawful to make such election at any other day, and that five members of the said society, assembling at the place and time designated for that purpose, by any by-laws or resolutions of the society, shall constitute a legal meeting thereof.

Officers of corporation.

Elections

IV. *And be it further enacted*, That Samuel L. Mitchill shall be the president, Caspar W. Eddey, the first vice president, Frederick C. Schaeffer, the second vice president, Nathaniel Paulding, corresponding secretary, William Cooper, recording secretary, Benjamin P. Kissam, treasurer, and John Torrey, William Cumberland, D'Jurco V. Knevels, James Clements and James Pierce, curators, severally to be the first officers of the said corporation, who shall hold their respective offices until the twenty-third day of February next, and until others shall be chosen in their places.

First officers

V. *And be it further enacted*, That the present constitution of the said association, shall, after the passing of this act, continue to be the constitution thereof, and that no alterations shall be made therein, unless by a vote to that effect, of three fourths of the resident members, and upon the request in writing of one third of such resident members, and submitted at least one month before any vote shall be taken thereupon.

Present constitution of society to remain unless, &c.

CHAP. CXCVIII.

AN ACT to improve the road through the towns of Porter, Hartland and Cambria, in the county of Niagara.

Passed April 20, 1818.

WHEREAS a part of the great ridge road, leading from the Genesee river to Niagara, passes over unsettled lands, and cannot be improved by the ordinary means provided by law: Therefore,

Preamble.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly*, That on all lands situated on said road, from the west side of lot number eleven, in township number fifteen, in the sixth range in the town of Hartland, in the county of Niagara, to the east line of lot number eight in township number fourteen, in the south range in the town of Cambria, in said county, and extending one and an half miles in width on each side of said road, there shall be assessed, levied and collected in the same manner as the taxes for the contingent charges of the towns and counties within this state are levied and collected, the sum of ten cents an acre, which money shall be expended in improving and repairing that part of said road which passes through the land so to be taxed.

Certain lands to be assessed

Duty of Assessors.

II. *And be it further enacted*, That it shall be duty of the assessors of the towns of Hartland, Porter and Cambria, respectively, to make a descriptive list of such lands as are situated in the limits before described, in their several towns, and deliver the same to the board of supervisors of said county, at their next annual meeting, and it shall thereupon be the duty of said supervisors to assess the lands in said descriptive lists, the amount of said tax, and thereafter such proceedings shall be had therein in all respects as if the same had formed part of the original assessment rolls.

Commissioners to give bond.

III. *And be it further enacted*, That each of the commissioners to be appointed under this act, shall give a bond to the people of this state, with surety to be approved by the treasurer of the county of Niagara, for the sum of four thousand dollars, with condition faithfully and punctually to perform all things required of him by this act, according to the true intent and meaning thereof, and that upon the bond being deposited with said treasurer, he shall on the order of the said supervisors, pay to said commissioners, the sum of money assessed on said lands, deducting the collector's fees.

Commissioners appointed and their duties.

IV. *And be it further enacted*, That William Hotchkiss, William Molyneau and James Edmonds, be and they are hereby appointed commissioners to expend the monies to be raised by virtue of this act, for the purpose of improving that part of said ridge road which is described in the first section of this act; and that it shall be the duty of said commissioners to report to said supervisors at their annual meetings, their proceedings under this act, and shall account to the comptroller of this state, for the monies they shall so receive.

Compensation to them.

V. *And be it further enacted*, That the said commissioners shall be entitled to retain in their hands, three per cent. on all the monies they shall expend, for the purpose of improving said road, as a compensation for contracting for, and superintending, the improving thereof.

CHAP. CXCI.

AN ACT to incorporate the Richmond county society for the education and protection of Orphans and destitute Children, and for the promotion of virtue and religion.

Passed April 20, 1818.

Preamble.

WHEREAS John Garretson, and certain other persons, have formed themselves into a society for the education and protection of orphans and destitute children, and for the promotion of virtue and religion, by the name of the Richmond county society for the promotion of virtue and religion, and by their petition to the Legislature, prayed to be incorporated, in order the better to promote the laudable and benevolent purposes of the said society: Therefore,

Society incorporated.

I. *Be it enacted by the People of the state of New-York, represented in senate and assembly*, That such persons as now are, or hereafter may become members of the aforesaid society, shall be,

and hereby are ordained, constituted and appointed, a body corporate and politic, in fact and in name, by the name of "the Richmond county society for the promotion of virtue and religion," and that by that name they and their successors shall and may forever hereafter, have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, in all courts and places whatsoever, and that they and their successors may have a common seal, and may change and alter the same at their pleasure, and also that they and their successors, by the name of "the Richmond county society for the promotion of virtue and religion," shall be in law capable of purchasing, holding and conveying any real or personal estate, for the use of the said society: *Provided always*, that such real and personal estate shall not at any time exceed the annual value of five thousand dollars.

Style.

Proviso.

II. *And be it further enacted*, That for the better carrying into execution, the objects of the said society, there shall be a patron, a president, four vice presidents, a corresponding secretary, a recording secretary, a treasurer, a librarian and twenty-four other directors, who shall hold their offices for one year, or until others shall be elected in their room, and shall be elected on the first Monday in December, in every year, or at such other time, and at such place, as the corporation shall from time to time appoint; and that every such election shall be by ballot, by a majority of the members present at every such meeting, and that in case any vacancies shall happen in either of the said offices, by death, resignation or otherwise, such vacancies shall and may be filled for the remainder of the year, by the remaining directors, by a by-law of the corporation.

Officers when to be elected.

III. *And be it further enacted*, That Daniel D. Tompkins shall be the first patron, John Garretson shall be the first president, Richard Conner, the reverend George A. Hartman, the reverend Robert F. Randolph, and George W. Barnes, shall be the first vice presidents, the reverend Peter I. Van Pelt shall be the first corresponding secretary, the reverend David Moore the first recording secretary, Andrew Durham the first treasurer, and Lewis R. Marsh the first librarian, and that Jacob Tysen, Tunis Eghert, James Guyon, jun. Walter Dongan, Garret Martling, Isaac R. Housman, Harmanus Guyon, Nicholas Burger, John V. D. Jacobson, Henry Perine, Edward Perine, Daniel W. Lake, John Totten, Philip Laforge, Ephraim Johnson, Alexander Cains, Jonathan Lewis, James Totten, Richard Crocheron, Jacob Crocheron, Thomas Kingston, Daniel Crocheron, John Hillyer and Daniel Guyon, shall be the first directors of the said society; and that at every ordinary or extraordinary meeting of the said society, when five members are met, they shall have full power to adjourn from time to time, and when nine are met, they shall have full power to transact all the business thereof.

First officers.

IV. *And be it further enacted*, That the said corporation, and their successors, shall have full power to make, ordain, constitute and establish, such by-laws, rules, ordinances and regulations, as they shall from time to time judge proper, for the election of their officers, for the admission of new members of the said corporation,

Their powers and duties.

Provide.

and the terms and manner of admission, and the sums which shall be paid yearly or otherwise, by the members of the society : *Provided always*, that such sums shall not exceed twenty-five dollars yearly, and every year, and also for the management and disposition of the stock, property, estate and effects of the said society, for the purpose of carrying into effect the objects thereof, and for fixing the times and places of the meetings of the said society, and touching the duties and conduct of the officers thereof, and all such other matters as appertain to the business and purposes for which the said corporation is by this act constituted, and for no other purposes whatsoever : *Provided always*, that such by-laws, rules and regulations, be not repugnant to the constitution and laws of the United States, or of this state : *And provided also*, that the present constitution and by-laws of the said society, shall continue in force until altered or repealed in the manner directed in and by the said constitution and by-laws.

Provide.

A public act.

V. *And be it further enacted*, That this act shall be deemed and considered as a public act, and that the same be construed in all courts and places favorably for every purpose thereby intended.

Restrictions.

VI. *And be it further enacted*, That the funds of said society shall at no time be appropriated to any other uses or purposes than those which are stated in the preamble to this bill, and that it shall be lawful for any future Legislature to modify or repeal the same.

CHAP. CC.

AN ACT to incorporate the Oxford turnpike road and Unadilla Bridge company.

Passed April 20, 1818.

Corporation created.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly*, That Ransom Rathbone, Ira Willcox and Epaphras Miller, and all such persons as shall associate for the purpose of making a turnpike road, to begin at the east end of the bridge, in the village of Oxford, in the county of Chenango, and running thence on or near the route of that section of the late Chenango turnpike road, leading to the Susquehanna river, to the east end of the bridge to be built across the Unadilla river, in the town of Unadilla, in the county of Otsego, near the house of John Mercereau, and their successors, be and they are hereby created a body corporate and politic, by the name of "the president, directors and company of the Oxford turnpike road and Unadilla bridge company." and they are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, and by that name they and their successors shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions and complaints,

Style.

matters and causes, and by the same name and style, shall be in law capable of purchasing, holding and conveying, any estate, real and personal, for the use of the said corporation: *Provided*, that such estate, real and personal, so to be purchased and held, shall be necessary to fulfil the end and intent of the said corporation, and for no other purpose whatsoever: *Provided*, that the said company shall not appropriate any part of their funds to the business of banking.

Proviso.

Farther proviso.

II. *And be it further enacted*, That the stock of the said company hereby incorporated, shall consist of one thousand shares, of twenty dollars each, and that John Tracy, Silas Marsh and Erasmus Perkins, be and they are hereby appointed commissioners to receive subscriptions for the said stock, in the manner directed by the act, entitled "an act relative to turnpike companies," passed March 13th, 1807.

Stock.

Commissioners.

III. *And be it further enacted*, That the said company hereby incorporated, shall be entitled to erect one turnpike, or toll gate, on the said road, and shall be entitled to exact and receive at the said turnpike or toll gate, so to be erected, the following sums of money from all persons travelling or using the same, to wit: for every score of sheep or hogs, six cents; for every score of cattle, horses or mules, twelve and an half cents; for every chair, sulkey, chaise or waggon, drawn by one horse, twelve and an half cents, and for every additional horse, six cents; for every horse rode, led or driven, six cents; for every chariot, coach, coachee, phaeton, pleasure waggon or carriage, drawn by two horses, twenty five cents, and for every additional horse, six cents; for every stage waggon, or other four wheeled carriage or waggon, drawn by two horses, mules or oxen, twelve and an half cents, and for every additional horse, mule or ox, six cents; for every cart drawn by two oxen or horses, six cents; and for every additional yoke of oxen, horse or mule, three cents; for every pleasure sleigh or sled, drawn by two horses, oxen or mules, six cents, and for every additional horse, ox, or mule, three cents; for every one horse sleigh or cutter, six cents.

Toll.

IV. *And be it further enacted*, That the said company hereby incorporated, shall be entitled to erect one turnpike or toll gate, at or near the bridge, to be by them erected, and continued over and across the Unadilla river, on the route of the said road, and be entitled to exact and receive at the said turnpike or toll gate last aforesaid, from all persons crossing or using the said bridge, the like sums of money, and in the like proportions, as at the other turnpike or toll gate as aforesaid.

Toll gate at or near the bridge.

V. *And be it further enacted*, That the said company, hereby incorporated, shall have and enjoy all the rights, privileges, powers and immunities, which are given and granted in and by the aforesaid act, entitled "an act relative to turnpike companies," and shall be subject to all the restrictions, conditions and regulations contained in the said general act.

General provisions.

CHAP. CCI.

AN ACT to incorporate the Dunkirk and Moscow turnpike company.

Passed April 20, 1818.

Corporation
created.

Style.

First Direc-
tors.First presi-
dent.

Stock.

Toll.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly,* That Jonathan Child, Newton Marvin, Ellis Doty, Daniel C. Guernsey, Nicholas Ayrault, Hezekiah Ripley, Gideon F. Jenkins, Samuel M. Hopkins, and Russell G. Hurd, and such other persons as shall associate for the purpose of making a good and sufficient turnpike road, to begin at the village of Moscow, in the town of Leicester, and county of Genesee, and running from thence through the town of Perry on the southerly side of the Silver lake to Dunkirk, in the town of Pomfret, and county of Chautauque, on the best and most convenient route, with reference to the fitness of ground, convenience and distance, with the privilege of erecting a toll bridge across the Cattaraugus creek, be and hereby are created a body politic and corporate, by the name of "the president, directors and company of the Dunkirk and Moscow turnpike road," and by that name they and their successors shall have perpetual succession, with power to sue and be sued, implead and be impleaded, and to have a common seal, and to break and alter the same; and the said corporation are hereby made capable of holding such real estate as may be necessary to fulfil the end and intent of said corporation as a turnpike road company, and no other real estate.

II. *And be it further enacted,* That Jonathan Child, Newton Marvin, Ellis Doty, Russell G. Hurd Daniel C. Guernsey, Nicholas Ayrault, Hezekiah Ripley, Gideon T. Jenkins and Samuel M. Hopkins, shall be the first directors of said company, to hold their office until the first Tuesday of February, in the year one thousand eight hundred and twenty, and until others be elected in their stead, and that Jonathan Child be the first president of said company.

III. *And be it further enacted,* That the stock of said company shall consist of three thousand shares of twenty-five dollars each.

IV. *And be it further enacted,* That shall it be lawful for the said company whenever and so often as any ten miles of the road, to be laid out by virtue of this act, shall be completed in the manner directed by law, to erect turnpike gates on the same; and the said company shall be entitled to exact and receive of and from every person travelling on, or using said road, at the gates or turnpikes to be erected thereon, the following sums of money, that is to say: for every cart, waggon or other wheeled carriage drawn by two horses, mules or oxen, twelve and a half cents; for every additional horse, mule or ox, three cents; for every coach, coachee, phaeton or curricle, with two horses, twenty five cents, for every additional horse, six cents; for every sulkey, chair, chaise or other one horse pleasure carriage, twelve and a half cents; for every one horse cart or waggon, six cents; for every horse rode or led, four cents; for every sleigh or

sled drawn by two horses, mules or oxen six cents; for every additional horse, mule or ox, two cents; for every sleigh or sled drawn by one horse, mule or ox, four cents; for every score of horses, mules or cattle driven, twenty cents, and in like proportion for a greater or less number; for every score of sheep or hogs, six cents, and in like proportion for a greater or less number.

V. *And be it further enacted*, That the company hereby incorporated shall be and they are hereby authorised to build a toll bridge over the Cattaraugus creek, on the line of said road, with the privilege of exacting and receiving at the gate to be erected thereat a toll or tolls in every respect the same as they are by this act authorised to exact and receive for every ten miles of said road.

Toll bridge.

VI. *And be it further enacted*, That no gate shall be erected or toll taken within five miles of either of the said villages of Dunkirk or Moscow.

Gate not to be erected within a certain space.

VII. *And be it further enacted*, That the said directors shall be commissioners to open books for the subscription of stock for the said company: *And further*, the said company shall have and enjoy all the rights, privileges, powers and immunities which are given and granted in and by the several acts relative to turnpike companies, and shall be subject to all the conditions, provisions, restrictions and regulations, contained in the same, saving and excepting where the same are contrary to the provisions of this act.

General powers.

CHAP. CCII.

AN ACT to incorporate the Firemen of the city of Albany, and for other purposes.

Passed April 20, 1818.

WHEREAS the firemen of the city of Albany, have, by their petition to the legislature, prayed to be incorporated, the more effectually to enable them to provide adequate funds, for the relief of disabled and indigent firemen, and for other purposes: Therefore,

Preamble.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly*, That all such persons as now are, or hereafter shall belong to any of the fire engines and implements in the city of Albany, for the extinguishing of fires, shall be, and hereby are ordained, constituted and declared to be and continue, until the first Tuesday in April, one thousand eight hundred and thirty-eight, a body politic, in fact and in name, by the name of the "fire department of the city of Albany," and that by that name, they and their successors, for the term aforesaid, shall and may have succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors may have a common seal, and may change and alter the same at their pleasure; and also, that they and their successors, by the name of the fire depart-

Corporation created.

Style.

Proviso. ment of the city of Albany, shall be in law capable of purchasing, holding and conveying, any estate, real or personal, for the use of the said corporation : *Provided*, that the amount of the real and personal estate of the said corporation shall not at any time exceed the sum of ten thousand dollars.

Two representatives to be chosen from each company. II. *And be it further enacted*, That the firemen belonging to the said fire department, shall on or before the first day of December, in every year, choose two representatives from each company of firemen, who shall have and exercise all such powers as are herein after committed to them.

Officers. III. *And be it further enacted*, That the said representatives shall choose on the second Monday of December, in every year, by ballot, out of their own body, a president and vice-president, and out of the whole body of the firemen, two trustees, a treasurer, secretary and collector ; that the first representatives shall be John Bruckerhoff, Asa H. Center, Silvanus P. Jermain, Hugh Humphrey, Daniel Bradt, James Merrifield, Charles P. Poirier, Galeu Batcheldor, James Mabbett, Lawrence Hallenbake, Edward Brown, Richard Marvin, James Clark, Nathaniel Davis, Hamilton Boyd, William I. Van Zandt, Isaac I. Fayer, John Goodrich, Richard Roser, John C. Fredenrich, junr. Henry Able, Henry Newman ; the first president John Bruckerhoff, the first vice president Edward Brown, the first trustees, Peter Boyd, Joseph Russel, Ralph Platt, John Russell, William Stilwell and Dyer Lathrop ; the first treasurer Joseph Fry, the first secretary Asa H. Center, and the first collector Maltby Howell, to hold their respective offices and places, until others are appointed in their stead, agreeable to the provisions of this act. That the said trustees shall class themselves

First representatives and officers. **Trustees to be classed.** in three classes, number one shall go out of office the first year, number two the second year, and number three the third year ; that the said trustees shall manage the affairs, and dispose of the funds of the corporation, according to the by-laws, rules and regulations of the said corporation, from time to time made and established by

President. the said representatives ; that the trustees shall choose a president, who shall have a right to convene them when he thinks proper, at least once a year ; that the treasurer shall give security to the trustees, for the faithful performance of his trust, and shall at every annual meeting of the representatives, render them an account of the state of the funds ; that the representatives shall, at their

Funds. meetings, have a right to enquire into, and control the application of their funds, and to displace any of the trustees and officers, if guilty of mal-conduct, and elect others in their stead ; that a majority of the said representatives, and also of the said trustees, shall respectively be a quorum to do business, and in case of a vacancy

Quorum. **Vacancies.** in the office of representative, such vacancy shall be filled up by the company from which he is deputed for the remainder of the year, by a special election, to be held for that purpose ; and that in case of a vacancy in the office of president, vice president, treasurer, secretary, collector, or any of the trustees, such vacancies shall be filled up by the representatives for the remainder of the year, by a special election to be held for that purpose.

IV. *And be it further enacted*, That two thirds of a quorum of the said representatives, shall have full power to make and prescribe such bye-laws, ordinances and regulations, as to them from time to time shall appear needful and proper, touching the management and disposition of their funds, for the purposes aforesaid, and touching the meetings of the corporation, both special and ordinary, except the second Monday in December in every year, which is hereby declared to be their annual meeting, and touching the duties and conduct of their officers and trustees, and touching all such other matters as appertain to the business, ends and purposes, for which the said corporation is by this act instituted, and for no other purpose whatsoever : *Provided*, that such bye-laws, rules, ordinances and regulations, be not repugnant to the constitution or laws of the United States, or of this state.

Two thirds of a quorum possess certain power.

Provided.

V. *And be it further enacted*, That in case any election shall not be made on any day, when, pursuant to this act, it ought to have been made, the said corporation shall not, on that account, be deemed to be dissolved, but that it shall and may be lawful, on any other day, to hold and make such election, in such manner as shall have been regulated by the bye-laws and ordinances of the said corporation.

Act not void in case elections are omitted on the day appointed.

VI. *And be it further enacted*, That the funds of the said corporation, which shall arise from such objects as may have been heretofore, or may be hereafter agreed on by the respective fire companies, shall be appropriated to the relief of such indigent or disabled firemen, or their families, as may be interested therein, and who may in the opinion of a majority of the trustees be worthy of assistance ; but if they shall amount to a greater sum than the trustees may think necessary to apply to the said purposes, then the said representative shall have power to apply such surplus to the purpose of extinguishing fires, under such limitations and restrictions as they may, with the sanction of the corporation of the city of Albany, deem proper.

Funds applied to the relief of indigent members, &c.

Supplies.

VII *And be it further enacted*, That every person who now is, or hereafter may become a fireman of the city of Albany, shall be entitled to the same exemptions as are by law granted to the firemen of the city of New-York.

Exemptions of firemen.

VIII. *And be it further enacted*, That certificates of the time that such persons as aforesaid have served as firemen, signed by the clerk of the common council of the said city, shall be sufficient evidence thereof.

Certificates to be evidence.

IX. *And be it further enacted*, That this act is hereby declared to be a public act, and that the same shall be construed in all courts and places benignly and favourably for every beneficial purpose thereby intended.

Public act.

them, may enter upon and take possession of the lands on each side of the said river where the said president and directors are authorized to build said bridge; and in case such land so taken possession of, shall not be a part of the public highway, the said corporation shall pay the owner thereof, on receiving a conveyance of the land, the value of so much of the same as may be necessary for making said bridge, and erecting a gate, toll house and all the works to the said bridge belonging; and in case of disagreement between the parties as to such value, the same shall and may be ascertained by three indifferent freeholders of the county where such land shall lie, who shall be appointed for such purpose, and sworn to make a just valuation, by the judges of the court of common pleas of the same county, or any three of them, not interested therein, on application of the said president and directors to them for such appointment: *Provided*, that it shall not be lawful for the said president and directors to enter on or take possession of said land until the owner or owners thereof shall be paid the value of the same, to be ascertained as above directed: *And provided also*, that if the said bridge shall be carried away by the ice or otherwise destroyed, and be not rebuilt in four years after such bridge shall be so carried away or be destroyed, that then the said corporation shall become dissolved, and shall reconvey to the said owners respectively, and their respective heirs and assigns if thereto required, such parts of the land now belonging to the said owners, as shall be appropriated or obtained by the said president and directors as aforesaid, for the use of the said company, at and for such such sums of money as the said owner or owners shall respectively receive for the same; and if the said president and directors and company, or the stockholders thereof, if the said corporation shall become dissolved, shall neglect or refuse to execute within twenty days after such request made, such conveyance, such land shall become vested in the said owners respectively, or their heirs or assigns, making such request, in the same manner as the said owners held the same before it was obtained and appropriated as aforesaid.

Valuation
how made.

Proviso.

Further pro-
viso.

Other ferries
and bridges
within cer-
tain limits
prohibited.

Building of
bridge when
to be com-
menced.

Width and
sides of
bridge, &c.

Toll allowed
and when to
be taken.

VII. *And be it further enacted*, That it shall not be lawful for any person or persons to erect any bridge or establish any ferry across the said Susquehanna river, within one mile either above or below the bridge to be erected and maintained in pursuance of this act: and that the said company shall commence the building of said bridge within two years from the first day of June next, and finish the same within four years from the passing of this act.

VIII. *And be it further enacted*, That the said bridge shall be built at least twenty feet wide, and the sides thereof be secured by good and substantial railings not less than four feet high.

IX. *And be it further enacted*, That as soon as the said bridge shall be completed, and the judges of the said court of common pleas, or any three of them not interested therein, shall upon inspection, certify under their hands that the said bridge is well and sufficiently built and completed, conformably to this act, and will admit the passage of teams and loaded carriages, it shall and may be lawful for the said president and directors to erect a gate at the end of said bridge, and demand and take for the use of said corporation,

a toll not exceeding the rates following, to wit: for every coach, phaeton or other pleasure carriage, drawn by four horses, thirty-seven and one half cents, drawn by two horses, twenty-five cents, drawn by one horse, twelve and one half cents; for every waggon or cart, other than pleasure carriages, drawn by four horses, mules or oxen, twenty-five cents, drawn by two horses, mules or oxen, twelve and one half cents, drawn by one horse or mule, eight cents, and for every additional horse, mule or ox, four cents; for every sleigh or sled drawn by two horses, mules or oxen, eight cents, for every additional horse, mule or ox, three cents; for every sleigh or sled drawn by one horse or mule, six cents; for every horse and rider, six cents; for every horse, jack or mule, led or driven, three cents; for every foot passenger, two cents; for every score of cattle, twenty five cents; for every score of sheep or hogs, twelve and one half cents, and so in proportion for a greater or less number: and it shall be lawful for the toll gatherers to stop every foot passenger and any person from passing the said gate until they shall have respectively paid the toll herein allowed to be collected.

Power of toll gatherer to stop travelers, &c.

X. *And be it further enacted*, That the said president and directors for the time being, or a majority of them, shall have power to appoint a treasurer and clerk, and one or more toll gatherers, and to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property and estate of the said corporation, the duties of said treasurer, clerks, agents and servants employed therein, and all such matters as appertain to the said corporation: *Provided*, that such by-laws, rules and regulations be not inconsistent with the constitution and laws of the United States, or of this state: *And provided further*, that nothing in this act contained shall be construed to authorise banking operations in any manner whatever.

Treasurer, clerk and toll gatherers to be appointed and authority to make by-laws.

Proviso

Further proviso.

XI. *And be it further enacted*, That if any person or persons, shall wilfully do or cause to be done, any act whatsoever, whereby the said bridge, or any thing appertaining to the same, shall be impaired, weakened or injured, the person or persons so offending shall forfeit and pay to the said company treble the amount of the damages sustained by means of such offence or injury, to be recovered with costs of suit, in an action of trespass, in the name of the treasurer of said corporation, to their use, in any court having cognizance thereof, which action shall in every instance be considered as transitory in its nature.

Penalty for injuring the bridge, &c.

XII. *And be it further enacted*, That if any person or persons shall forcibly pass the gate to be erected at said bridge in pursuance of this act, or shall cause his, her or their horse, carriage, waggon, sleigh, sled, cattle or other thing or things, to pass the same without having paid the legal toll for passing said bridge, such person or persons shall forfeit and pay a fine not exceeding ten dollars, nor less than one dollar, to be recovered by the treasurer of said corporation, in his name, to their own use, in an action of trespass, which action shall in every case be considered as transitory in its nature.

Penalty for forcibly passing.

XIII. *And be it further enacted*, That it shall be the duty of the said corporation, to cause to be affixed in a conspicuous place on the gates.

Rates of toll to be affixed on the gates.

over the said gate a list of the rates of toll, and in default thereof, to be subject to the penalty of five dollars for every forty-eight hours, to be sued for and recovered by any person who shall sue for the same in his own name.

Penalty on toll gatherer for hindrance of travellers and for extortion.

XIV. *And be it further enacted*, That if any toll gatherer shall unreasonably delay or hinder any traveller or passenger at the said gate, or shall demand or receive more toll than is by this act established, he shall for every offence forfeit and pay the sum of ten dollars, to be sued and recovered before any justice of the peace of the county wherein such offence shall have been committed, for the use of the person so unreasonably delayed, hindered or defrauded.

Public act.

XV. *And be it further enacted*, That this act be and hereby is declared to be a public act; and that from and after the term of forty years from the passing of this act, the said bridge with its appurtenances shall become the property of, and be vealed in the people of this state.

Corporation when and how liable for acts of toll gatherers.

XVI. *And be it further enacted*, That if any toll gatherer shall be convicted of either of the offences mentioned in this act, and it shall appear by the return of any execution to be issued against him on such conviction, that the monies or any part thereof cannot be had from the defendant, the corporation shall be held liable for the deficiency, and they shall not, until the payment thereof, receive any toll at such gate.

CHAP. CCV.

AN ACT to enable the Mayor, Recorder and Aldermen of the city of New-York, to raise money by a tax.

Passed April 20, 1818.

100,000 dollars to be raised by tax, for certain purposes.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly*, That the mayor, recorder and aldermen of the city of New-York, as the supervisors of the city and county of New-York, or a majority of them, of whom the mayor or recorder shall be one, shall be and hereby are empowered, as soon as conveniently may be after the passing of this act, to order and cause to be raised by tax, on the estates, real and personal of the freeholders and inhabitants of, and situated within, said city, and to be collected a sum not exceeding one hundred and forty thousand dollars, to be applied to the support and maintenance of the poor of said city and county, the support and maintenance of criminal persons, the support of common schools, the support and repairs of the bridewell and penitentiary of the said city, the repairing and taking care of other public buildings of the said city, belonging to, and under the custody and care of the mayor, aldermen and commonality of the city of New-York, the making, regulating, repairing and improving the public roads in the said city and county, the defraying other contingent expenses arising within, and properly chargeable to, the said city and county, and for the defraying the expenses which the mayor, aldermen and commonality of the said

city of New-York may sustain, or be put to, in executing the powers vested in them, by the act passed the ninth day of April, one thousand eight hundred and thirteen, entitled "an act to reduce several laws relating particularly to the city of New-York into one act," and for supplying the deficiencies of former taxes, upon any and every of the wards of the said city, owing to the insolvency or inability of the collectors of the said wards, or any or either of them, or others, and fees of collection not heretofore provided for: such deficiencies, however, to be assessed on the estates, real or personal, of the freeholders and inhabitants of and situated within the said wards respectively, where they shall happen as aforesaid: *And also*, a further sum not exceeding one hundred and ten thousand dollars, by a tax on the estates, real and personal, of the freeholders and inhabitants of, and situate within the said city, to the southward of a line, beginning at the North river, at a place called Decklyn's ferry, a little to the northward of the state prison, and running thence easterly, in front of the new bank houses, to the road called Sandy Hill road, and through the said road, to the northward of Pottersfield, and the house of William Neilson, to the Bowery road, and across the Bowery road, to a road commonly called Stuyvesant-street, and through the middle thereof to the East river, to be applied to the payment of so many watchmen as the mayor, aldermen and commonalty of the city of New-York, in common council convened, shall appoint and employ for watching and guarding the said city, to the purchasing of oil, providing lamps and putting up the same, and repairing, cleansing and lighting those which now are, or may hereafter be erected within that part of the said city last described, to the cleansing and repairing public wells and pumps in the said city, and to defraying the other contingent expenses arising within, and properly chargeable to that part of the said city, to the southward of the line aforesaid, as the said mayor, aldermen and commonalty, in common council convened, may from time to time direct, and for supplying the deficiencies of former taxes, upon the same part of the said city last described, owing to the insolvencies and fees of collectors, not heretofore provided for, such deficiencies, however, to be assessed on the estates, real and personal, of the freeholders and inhabitants of, and situated within the said wards respectively, where they shall happen as aforesaid, to the southward of the line aforesaid.

110,000 dollars to be also raised by tax, for certain other purposes.

II. *And be it further enacted* That the said several sums of money shall be assessed in manner directed by the act, entitled "an act for the assessment and collection of taxes," and each person's tax in one ward, shall be collected in one payment, and the monies so collected paid into the hands of the treasurer or chamberlain of the said city, at such times after the passing of this act, as the said mayor, recorder and aldermen, as the supervisors of the city and county of New-York, or a majority of them, of whom the mayor or recorder shall be one, shall appoint and direct.

How to be assessed and collected and to whom to be paid.

III. *And be it further enacted*, That it shall be lawful for the collectors of the first, second and third wards of the said city, to retain in their hands, three cents on each dollar by them collected ;

Compensation to collectors of taxes.

the collectors of the fourth, fifth, sixth, seventh, eighth and tenth wards of the said city, to retain in their hands, five cents on each dollar by them collected; and the collector of the ninth ward of the said city, to retain in his hands, six cents on each dollar by him collected, and no more, as a full compensation to each of the said collectors, respectively, for their trouble in collecting and paying to the said treasurer or chamberlain, the monies which shall be raised by virtue of this act.

Providing by
distress for
tax in any
part of the ci-
ty.

IV. *And be it further enacted*, That if any person shall refuse or neglect to pay the sum or sums, at which his or her real or personal estate, in the city of New-York, shall at any time hereafter be taxed, the collector of such tax is hereby authorised and required, to levy the same by distress and sale of the goods and chattels of the person who ought to pay the same, or of any goods and chattels in the possession of such person, wheresoever the same may be found in the said city.

CHAP. CCVI.

AN ACT to amend an act entitled "an act to incorporate medical societies, for the purpose of regulating the practice of Physic and Surgery in this state."

Passed April 20, 1818.

Qualifica-
tions of can-
didates for
the practice
of physic and
surgery.

1. *Be it enacted by the people of the state of New-York, represented in senate and assembly*, That no person shall, after the first day of May, one thousand eight hundred and twenty one, be admitted to an examination as a candidate for the practice of physic and surgery in this state, unless he shall have previously studied medical science four years after the age of sixteen, with a regular physician and surgeon, but any portion of time not exceeding one year, during which, any person after the age of sixteen, shall have pursued any of the studies pursued in either of the colleges in this state, shall be accepted in lieu of an equal portion of time of the study of medical science; and if any person shall have attended one or more complete courses of medical lectures, delivered by each of the professors, on all the branches of medical science, in either of the medical colleges or institutions in this state or elsewhere, the same shall be accepted in lieu of one year spent in the study of medical science as aforesaid; and the person with whom the student shall commence his studies, shall file a certificate with the president of the board to which he belongs, certifying that the person hath commenced his studies with him; and the day of the filing of such certificate shall be the commencement of such term of study; and if the term of study shall be intended to be for less than four years, by reason that the person hath pursued the studies pursued in colleges as aforesaid, or that he hath attended lectures as aforesaid, then, on application to the said president, he shall on examining the matter, make an order annexed to the certificate aforesaid, purporting that it hath satisfactorily appeared to him, that the person hath pursued

Certificate
required.

Order to be
made.

the studies pursued in colleges as aforesaid, or that he hath attended one or more course of lectures as aforesaid, after he was 16 years of age, for such a period of time, not exceeding 1 year, as shall be specified in the order, and thereupon order that the term of study in such case, may be for a time which shall remain after deducting from four years the term so to be specified in the order : *Provided always*, that no person shall be licensed to practice physic and surgery, until he shall be of the age of twenty-one years.

Provide,

II. *And be it further enacted*, That each and every student of medicine, who shall present himself to the censors of either of the county medical societies of this state, for examination, and be found disqualified for the practice of physic and surgery, or either of them, shall not be allowed the privilege of an examination, before the censors of any other county medical society, but shall in all cases wherein he thinks himself aggrieved, have the right to appeal to the censors of the state medical society, and that any licence obtained contrary to the provisions of this act shall be void.

Right of appeal given to candidates refused, but they cannot be examined elsewhere, till &c.

III. *And be it further enacted*, That the state medical society shall annually elect not more than twelve, nor less than six censors, any three of whom shall be a quorum for the examination of students.

Censors to be elected.

IV. *And be it further enacted*, That no physician or surgeon, from any other state or country, shall be admitted to practice in this state, until he shall have filed a copy of his diploma, from some college of medicine, or legally incorporated medical society, with the clerk of the county in which he may reside, agreeably to the twenty-first section of the act hereby amended, nor until he shall have exhibited to the medical society of the county where he resides, satisfactory evidence that he has regularly studied physic and surgery, agreeably to the requisitions contained in the first section of this act.

Diploma required from candidates from another county or state.

V. *And be it further enacted*, That in those counties where the anniversary meetings of any county medical society, shall occur on the same day on which the court of common pleas shall meet, it shall be lawful for such society to alter the time of their anniversary meeting, to such day as a majority of the said society present may think proper.

Anniversary meeting of county societies may be altered in certain cases.

VI. *And be it further enacted*, That each of the colleges of medicine in this state, may elect a delegate to represent their colleges, respectively, in the medical society of the state, who shall be entitled to all the privileges, and subject to the same regulations, as the delegates from the county medical societies.

Delegates to represent the colleges of medicine.

VII. *And be it further enacted*, That hereafter, it shall be the duty of every practitioner of medicine in this state, to report himself to, and connect himself with, the medical society in the county where he resides, by lodging with the president of such society, a certificate under his hand to that effect.

Practitioners required to attach themselves to their county societies.

CHAP. CCVII.

AN ACT to divide the town of Hannibal, in the county of Oswego.

Passed April 20, 1818.

Towns of Oswego, Hannibal and Granby erected.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly,* That all that part of the town of Hannibal, in the county of Oswego, beginning on the shore of lake Ontario, at the northwest corner of the town of Hannibal, running thence south to the northwest corner of lot number thirty-eight, in the said town, thence east to the northwest corner of lot number forty-five, thence north to the northwest corner of lot number thirty-seven, thence east to the Oswego river, thence down the said river and along the lake shore to the place of beginning, be and is hereby erected into a separate town, by the name of Oswego; and that the first town meeting be held at the school house, in the village of Oswego, in said town; and that all that part of the said town of Hannibal, beginning on the northwest corner of lot number forty-three, thence south to the northwest corner of lot number eighty-one, thence east to the northeast corner of said lot number eighty-one, thence south to the south line of the original township of Hannibal, thence west to the southwest corner of the said original township of Hannibal, thence north to the northwest corner of lot number thirty-eight, and thence east to the place of beginning, shall be, and is hereby erected into a separate town, by the name of Hannibal; and the first town meeting shall be held at the house of Amos Field, in the said town of Hannibal; and that all the remaining part of the said town of Hannibal, beginning at the northwest corner of lot number forty-three, and running thence south to the northwest corner of lot number eighty-one, thence east to the northeast corner of said lot number eighty-one, thence south to the south bounds of the said town of Hannibal, thence east along the said south bounds of the present town of Hannibal to the Oswego river, thence down the said river to the northeast corner of lot number thirty-seven, thence west to the northwest corner of lot number thirty-seven, thence south to the northwest corner of lot number forty-five, thence west to the place of beginning, shall be and is hereby erected into a separate town by the name of Granby; and that the first town meeting in the said town of Granby, shall be held at the house of Cyril Wilson.

Poor and money and gospel lots to be divided.

II. *And be it further enacted,* That as soon as may be after the first Tuesday in May next, the supervisors and overseers of the poor of the towns aforesaid, shall by due notice to be given by the supervisors, thereof to meet together and apportion the poor maintained by the said town of Hannibal, and the poor money belonging to the same, agreeably to the last tax list, and shall also divide the gospel and school lots in said town, agreeably to the said tax list, among the said three towns, in just proportion to the last taxation of real and personal property, excepting that part of the town of Hannibal, which was formerly off the township of Lysander; and it is further provided, that the first town meeting in the said towns, shall be

held on the first Tuesday of May next, and that the annual town meetings shall thereafter be held on the first Tuesday of March, at such places in each town, as the freeholders and inhabitants shall appoint at their respective annual town meetings.

Town meeting when to be held.

CHAP. CCVIII.

AN ACT for the relief of the corporation of the United German Lutheran Churches in the city of New-York.

Passed April 20, 1818.

WHEREAS it is represented to the legislature, that expenses of the said corporation require that the said corporation should be enabled by law, to hold property, real and personal, of a yearly value or income, exceeding three thousand dollars, and this legislature being willing, in all things, to promote the interests of the various denominations of christians in this state: Therefore,

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly,* That from and after the passing of this act, it shall be lawful for the corporation of the united German Lutheran churches, in the city of New-York. to purchase and hold, real and personal estate, provided such real and personal estate shall not exceed the annual value or income of six thousand dollars.

CHAP. CCIX.

AN ACT to divide the town of Northumberland, in the county of Saratoga.

Passed April 20, 1818.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly,* That from and after the first day of March next, all that part of the town of Northumberland, lying west of a line, beginning at the north bounds of said town, five miles and fifty-three rods from the bank of the Hudson river, being the northeast corner of said town, running thence south one degree east, to the south bounds of said town, shall be erected into a separate town, by the name of Wilton, and that the first town meeting shall be held at the dwelling house of Lyndis Emerson, in said town; and that the remaining part of said town of Northumberland, shall be and remain a separate town, by the name of Northumberland; and the first town meeting shall be held at the dwelling house of Job Mulford, in said town.

Town of Wilton erected.

II. *And be it further enacted,* That as soon as may be after the first town meeting, the supervisors and overseers of the poor of the said towns, respectively, on notice to be given by the supervisors thereof, shall meet together, and apportion the poor and the poor money, belonging to the said town of Northumberland, previous to

Money and poor divided.

the division thereof, agreeable to the late tax list, and that each of the said towns shall from thereafter respectively maintain and support their own poor.

CHAP. CCX.

AN ACT *relative to the opening and enlarging streets in the city of New-York.*

Passed April 20, 1818.

Corporation of New-York may suspend opening, &c. streets for a limited period.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly,* That the mayor, aldermen and commonalty, of the city of New-York, may suspend the opening, extending, enlarging, altering and improving of any street, road, avenue or public place, which may be ordered to be opened, extended, enlarged or altered in the said city, in pursuance of the provisions of the act, entitled "an act to reduce several laws relating particularly to the city of New-York into one act," for such time or times as they shall think proper, not exceeding fifteen months in the whole, after the confirmation of the report of the commissioners of estimate and assessment: *And further,* that the said mayor, aldermen and commonalty, shall not be required to pay any sums of money, which may be awarded to any person, on account of the opening, extending, enlarging, altering and improving, of any such street, road, avenue or public place, until the expiration of four months after the expiration of the time or times, which may be appointed by them as aforesaid, for carrying the said improvements into effect.

And are not required to pay the sums awarded until, &c.

Commissioners may administer oaths.

II. *And be it further enacted,* That it shall be lawful for the commissioners of estimate and assessment, who are, or who may be hereafter appointed by the supreme court, in pursuance of the provisions of the act last above mentioned, to administer oaths in all cases, in any manner appertaining to the opening, extending, enlarging or altering of any street or public place in the said city.

CHAP. CCXI.

AN ACT *to amend an act, entitled "an act to amend an act, entitled "an act concerning the State Prison, and for other purposes."*

Passed April 20, 1818.

Certain sections repealed.

I. *Be it enacted by the people of the state of New-York represented in senate and assembly,* That the fourth, fifth and fifteenth sections of the act, entitled "an act to amend an act, entitled "an act concerning the state prison," be and the same are hereby repealed.

II. *And be it further enacted,* That until the yard of the said prison shall have been enlarged, as herein after provided, in case

sufficient employ for the prisoners, at the prison in New-York, shall not be furnished by the manufacturing and making up of such materials as shall be brought to the prison by or for individuals or companies, to whom such materials may belong, as contemplated in and by the second section of the act hereby amended, it shall and may be lawful for the inspectors of the said prison, to authorise the agent to purchase raw materials, of such description as shall be most profitable to the state, in the various branches of trade practised at the prison, in addition to the materials already allowed to be purchased by law : *Provided*, that such additional purchases, shall not exceed such amount as may conveniently be defrayed out of the annual appropriation.

Agent to purchase raw materials until, &c.

Provide.

III. *And be it further enacted*, That the following officers, instead of the compensation allowed them, in and by the eighth section of the act hereby amended, shall be allowed as follows, to wit : the assistant keepers, five hundred dollars per annum ; and that the assistant deputy, appointed in and by the eighteenth section of the act hereby amended, shall receive the annual salary of seven hundred and fifty dollars, and no more.

Allowance to assistant keepers and deputy.

IV. *And be it further enacted*, That the treasurer of this state shall, on the warrant of the comptroller, pay to the agent of the state prison at New-York, a sum not exceeding twenty thousand dollars, in such sum or sums, and at such time or times, as the inspectors, or a majority of them, may require, for the support of the institution, and the further sum of five thousand dollars, to be expended by the agent, under the direction of the inspectors, in the necessary repairs of the roof of the prison ; and in order that all the convicts not employed in branches of business more profitable, may as soon as practicable be employed in the stone cutting business, it shall be lawful for the inspectors of the said prison at New-York to enlarge the yard of the said prison, by extending the south west wall thereof, and by the erection of an additional wall within the main walls in such manner as that the convicts may with safety be so employed therein at stone cutting ; and the treasurer of this state shall pay to the said agent on the warrant of the comptroller any further sum or sums not exceeding five thousand dollars to be expended by him under the direction of the said inspectors in enlarging the said yard as aforesaid.

20,000 dollars to be paid to the agent.

V. *And be it further enacted*, That the superintendant of the weaving factory, be continued as long as necessary at the said prison, with an annual salary of seven hundred and fifty dollars, and that his salary be allowed and paid, commencing from the first day of June, one thousand eight hundred and seventeen.

Salary of superintendant of weaving factory.

VI. *And be it further enacted*, That the agent or inspectors of the state prison at New-York, or the physicians or surgeons, or any other officer or person employed at the prison, shall not be concerned, directly or indirectly, in the contract, purchases or sales, for, by or on account of the said prison.

Agent &c. not to be concerned in purchases, &c.

VII. *And be it further enacted*, That from and after the passing of this act, the coroner's fees, for each and every prisoner, on whose body he may hold inquest, or a view, in either of the state prisons, shall not exceed the sum of five dollars.

Coroner's fees.

Sheriff of
Broome to be
paid a certain
sum.

VIII. *And be it further enacted,* That the treasurer, on the warrant of the comptroller, shall pay to Oliver Huntington, sheriff of Broome county, such sum as he shall deem reasonable, for the transportation of Gideon Ross, a convict, to the prison at New-York, and back to the goal in the county of Broome.

Maniacs may
be transferred
to the lunatic
hospital of
New-York.

IX. *And be it further enacted,* That whenever the board of surgeons and physicians of the state prison at New-York, shall duly report to the inspectors, the name or names of any prisoner or prisoners, who are maniac or insane, it shall and may be lawful for the said inspectors, to transfer such insane prisoner or prisoners, to the lunatic hospital of New-York, the directors or managers of which are hereby required to receive such persons, and to confine them according to the rules of that institution.

Comptroller
to settle cer-
tain account
of the state
prison.

X. *And be it further enacted,* That the comptroller of this state be and he is hereby authorised to settle, audit and allow the accounts of the state prison at New-York, until the first day of June, one thousand eight hundred and eighteen, in the same manner as previous to the passage of the eighth section of the act of the fifteenth of April, one thousand eight hundred and seventeen, as it respects the sum allowed for the accommodation of the inspectors of that prison; and that from and after the said first day of June, one thousand eight hundred and eighteen, the accounts for such expenditure shall be according to the provisions of said section.

100,000 dol-
lars appropri-
ated for com-
pleting south
wing, &c. of
state prison
at Auburn.

XI. *And be it further enacted,* That the treasurer of this state shall, on the warrant of the comptroller, pay to the agent of the state prison at Auburn, hereafter to be appointed, a sum or sums, not exceeding one hundred thousand dollars, to be expended in the building of the wall and completing the south wing of such prison, and for the general support of that prison, provided that the drafts of such agent shall be countersigned by the inspectors of such prison, or a majority of them, and shall not at any time exceed the sum of ten thousand dollars, over and above the amounts actually paid out by said agent.

Compensation
to commis-
sioners of
state prison
at Auburn
and to J. Glo-
ver.

XII. *And be it further enacted,* That there be and hereby is allowed to each of the commissioners heretofore appointed to superintend the erection of the state prison at Auburn, the sum of five hundred dollars, as a full compensation for their services, which sum the treasurer shall pay, on the warrant of the comptroller: *And further,* that it shall be the duty of the comptroller, to audit the accounts of James Glover, for his expenses actually laid out whilst engaged in the business of commissioner, for building the state prison at Auburn, the amount of which the treasurer shall pay on the warrant of the comptroller.

William Brit-
tan allowed
300 dollars.

XIII. *And be it further enacted,* That the treasurer, on the warrant of the comptroller, pay to William Brittan, two hundred dollars, in full compensation for his services as keeper of the prisoners at Auburn, until he shall be relieved from that duty by the keeper to be appointed by the inspectors as hereinafter provided; and that the treasurer, on the warrant of the comptroller, also pay to the said Brittan, such sum or sums of money as the comptroller shall audit and allow, for the support of the prisoners heretofore, and until he shall be so superseded, and for the other necessary ar-

Expenses.

ticles or supplies, furnished by him to the prison : *Provided*, that the commissioners heretofore appointed, shall certify to the correctness of such accounts.

XIV. *And be it further enacted*, That the treasurer, on the warrant of the comptroller, shall pay to the said commissioners such balance as may, on a settlement of their accounts, remain in their favor, over and above the appropriations heretofore made by the legislature.

Balance to commissioners to be paid.

XV. *And be it further enacted*, That from and after the first day of September next, all prisoners whatever, hereafter adjudged to be confined in the state prison, in the counties of Oswego, Oneida, Madison, Chenango, Broome, St. Lawrence, Jefferson, Lewis, Herkimer, Montgomery and Otsego, and all the counties within this state, lying westward of these last mentioned, and between lake Ontario and the Pennsylvania line, shall be confined within the prison at Auburn, the keeper of which, under the direction of the inspectors, shall confine the said prisoners according to their sentences : *And further*, that all such prisoners as are or shall be of strength or ability to work, shall be employed upon the public works at Auburn, under the direction of the inspectors and agent ; that all such able bodied prisoners shall, from and after the passing of this act, be received at such prison from the sheriffs of the before mentioned counties.

Convicts from certain counties to be confined in Auburn state prison, and may be employed in public works, &c.

XVI. *And be it further enacted*, That Elijah Miller, John H. Beach, James Glover, Archy Kasson and George Casey, be and they are hereby appointed inspectors for the state prison at Auburn, who shall hold their appointments during the pleasure of the legislature, and whose duties are hereby declared to be the same as those of the inspectors of the New-York prison, as provided by law.

Inspectors of that prison appointed, and their duties.

XVII. *And be it further enacted*, That the said inspectors shall appoint an agent for the said prison, one clerk, one deputy keeper, and as many turnkeys or assistant keepers as may be necessary ; that the said agent shall also be the keeper of said prison, and receive a salary not exceeding one thousand dollars per annum, and shall, under the direction of the inspectors, contract for and purchase all necessary materials and other things for the building, or supplies for the prison, always consulting, however, with the master mason and master carpenter, respecting the quantity and quality of the building materials which may be requisite : *And further*, that it shall and may be lawful for the said inspectors, in case they shall deem it necessary for the safe keeping and management of the prisoners, to appoint a guard for that purpose, to consist of not exceeding a corporal and twelve men, who shall be furnished from one of the arsenals in this state, with sufficient arms, ammunition and accoutrements, and shall be subject to the command of the principal keeper, and to be dismissed by him, under the direction of the inspectors.

Agent, deputy keeper, turnkeys, &c. appointed, and salary of agent.

A guard may be appointed.

XVIII. *And be it further enacted*, That the said agent, under the direction of the inspectors, shall and may procure the building materials of every kind, or the supplies of every kind for the prisoners, by contract, or otherwise, as the said inspectors shall think most for the interest of the state : *Provided*, that the amount of the

Agent to procure materials, &c.

Provided.

same shall not exceed the appropriations made from time to time by the legislature.

Salaries of clerk and deputy keeper.

XIX. *And be it further enacted*, That the before named clerk and deputy keeper shall receive each a salary not exceeding five hundred dollars per annum; and the before named turnkeys a salary at a rate not exceeding four hundred dollars per annum.

Physician and chaplain.

XX. *And be it further enacted*, That the said agent, under the direction of the inspectors, may employ a resident or visiting physician and surgeon, who are to supply medicines and other necessary things, and a resident or visiting chaplain, on such terms as shall be agreed upon.

Agent and inspectors not to be concerned in purchases &c.

XXI. *And be it further enacted*, That the agent or inspectors, or any of them, of the prison at Auburn, shall not be concerned, directly or indirectly, in the contract, purchases or sales for, by or on account of the said prison, or materials furnished to build the same.

Laws applicable to N. York state prison extended to Auburn state prison, &c.

XXII. *And be it further enacted*, That all laws for the government and management of the state prison of New-York, not inconsistent with the provisions of this act, are hereby declared to be binding upon the inspectors and all officers of the prison of Auburn; and that so much of the tenth section of the act of the fifteenth of April, one thousand eight hundred and seventeen, entitled "an act to amend an act, entitled "an act concerning the state prison," and all other acts or parts of acts which are inconsistent with or repugnant to the provisions of this act, be and the same are hereby repealed.

Inspectors to report annually.

XXIII. *And be it further enacted*, That the said inspectors of the Auburn prison shall annually report to the legislature, at the same time and in like manner as the inspectors of the New-York prison are required to do by law.

Agent to give a bond.

XXIV. *And be it further enacted*, That the said agent of the Auburn prison shall, before he enters upon the execution of his appointment, duly execute a bond with sufficient sureties, (to the satisfaction of the said inspectors) to the people of this state, in the penal sum of twenty-five thousand dollars, conditioned for the just and faithful performance of the duties of his office according to law; which bond shall be filed by the inspectors in the office of the comptroller of this state.

Inspector not to be an agent, and the agent annually to account.

XXV. *And be it further enacted*, That no inspector of the state prison shall be agent thereof, or concerned in the business of such agency, or hold any other appointment therein; and that the agent of the prison at Auburn shall annually account with the comptroller in the same manner as the agent of the New-York prison.

Agent &c. to keep his office in the prison, and certain officers thereof to take an oath of office.

XXVI. *And be it further enacted*, That the agent, keepers or other officers of the prison at Auburn, shall support themselves out of the salaries given in and by this act; that the agent shall keep his office at the said prison; that the principal keeper shall reside with his family in the prison, when it shall be so far completed as will admit of such residence; and that the agent, clerk, deputy keeper and assistants, before they enter on the duties of their office, shall take and subscribe an oath or affirmation, before a judge of the court of common pleas of the county, that they will well and faithfully execute and perform the duties required of them according to the best of their skill and ability.

CHAP. CCXII.

AN ACT for the relief of the heirs of Henry Mott.

Passed April 20, 1818.

I *Be it enacted by the people of the state of New-York, represented in senate and assembly,* That it shall be lawful for Huldah Mott, widow of Henry Mott, late of Middletown, in the county of Delaware, to convey in fee simple unto Samuel W. Johnson, of Stratford, in Connecticut, a certain tract of land in the town of Randolph in the county of Broome, whereof Henry Mott died seized, containing one hundred and sixty acres, upon receiving from the said Samuel a good and sufficient deed of conveyance in fee simple, with warranty to herself as trustee for Israel W. Mott, Lucy Ann Mott and Henry Mott, her infant children by the said Henry Mott deceased for fifty acres on the westerly part of lot number thirteen, and one hundred and ten acres, being the southerly part of lot number twenty-three in great lot number thirty-eight in the Hardenbergh patent, according to the terms of a certain contract entered into between the said Huldah and Samuel for exchanging the above lots or tracts, bearing date the twenty-first day of June in the year one thousand eight hundred and seventeen.

H. Mott to convey certain real estate to S. W. Johnson according to the terms of a certain contract.

II. *And be it further enacted,* That the effect and operation of the said deed to be executed by the said Huldah, shall be to invest the said Samuel with all the right and title which the said Henry Mott had at the time of his death, to said one hundred and sixty acres of land, in the township of Randolph aforesaid free and clear of all claim for dower on the part of the said Huldah; and the effect and operation of the said deed so to be executed by the said Samuel, shall be to transfer the title to the premises therein mentioned to the said infant children of the said Henry Mott, in the same manner as if the said Henry had died seized thereof; and the said Huldah shall also in like manner be entitled to her right of dower therein.

Effect and operation of certain deeds.

CHAP. CCXIII.

AN ACT authorising the mayor, aldermen and commonalty of the city of New-York to close streets and roads.

Passed April 20, 1818.

WHEREAS the mayor, aldermen and commonalty of the city of New-York, have by their memorial represented to the legislature, that there are within the said city roads, streets, lanes and alleys, and parts of streets, roads, lanes and alleys which might be closed without detriment to the public, and that they are willing to pay to individuals all the damages which they may sustain in consequence of closing the same: Therefore,

Preamble.

Proceedings regulated in case roads, &c. are closed.

Commissioners to take an oath.

To make an estimate.

And report the same to the supreme court, with the nature and terms of such report.

Power of the supreme court in the premises.

I. Be it enacted by the people of the state of New-York, represented in senate and assembly, That it shall be lawful for the mayor, aldermen and commonalty of the city of New-York, from time to time, whenever they shall judge proper, to cause application to be made to the supreme court of judicature of this state, for the appointment of commissioners for the purpose of performing the duties hereinafter prescribed; and upon such application it shall be lawful for the said court to whom such application shall be made, to nominate and appoint three discreet and disinterested persons, commissioners of estimate, for the purpose of performing the duties herein after prescribed; which said commissioners, before they enter upon the performance of the duties of their appointment, shall severally take and subscribe an oath or affirmation before some person authorised by law to administer an oath, "faithfully to perform the trust and duties required of them by this act," which oath or affirmation shall be filed in the clerk's office of the city of New-York; and it shall be the duty of the said commissioners, as soon as conveniently may be after their appointment, to make a just and true estimate of the loss and damage to the respective owners, lessees, parties, and persons respectively entitled unto, or interested in, any lands, tenements, hereditaments or premises, by or in consequence of closing any road, street, lane or alley, or any part of any road, street, lane or alley, and converting the same to the use of the said mayor, aldermen and commonalty, and to report thereon to the said supreme court of judicature without unnecessary delay. and in the said report the commissioners who shall make the same shall set forth the names of the respective owners, lessees, parties and persons aforesaid entitled unto, or interested in the lands, tenements, hereditaments and premises aforesaid, and each and every part and parcel thereof, as far forth as the same shall be ascertained by them, and an apt and sufficient designation or description of the same; but in each and every case and cases, when the owners and parties interested, or their respective estates and interests, are unknown or not fully known to the said commissioners, it shall be sufficient for them to estimate and set forth and state in their said report in general terms, the respective sums to be allowed and paid to the owners and proprietors generally, of such lands, tenements, hereditaments and premises, for the loss and damage to such owners, proprietors and parties interested, in respect to the whole estate and interest of whomsoever may be entitled unto, or interested, in the same, by and in consequence of closing any such road, street, lane or alley, or any part of any road, street, lane or alley, without specifying the names or the estates or interests of such owners, proprietors and parties interested, or any of them, in the premises aforesaid; and upon the coming in of the said report, signed by the said commissioners, or any two of them, the said court shall, by rule or order, after hearing any matter which may be alleged against the same, either confirm the said report or refer the same to the same commissioners for revisal and correction, or to new commissioners to be appointed by the said court, to reconsider the subject matter thereof; and the said commissioners to whom the said report shall be so

referred, shall return the said report corrected and revised, or a new report to be made by them in the premises, to the said court, without unnecessary delay; and the same on being so returned, shall be confirmed, or again referred by the said court, in manner aforesaid, as right and justice shall require, and so from time to time, until a report shall be made or returned in the premises, which the said court shall confirm, and such report when so confirmed, by the said court, shall be final and conclusive, as well upon the said mayor, aldermen and commonalty of the city of New-York, as upon the owners, lessees, and persons and parties interested in, and entitled unto, the lands, tenements, hereditaments and premises, mentioned in the said report, and also upon all other persons whomsoever, and on such final confirmation of such report by the said court, the mayor, aldermen and commonalty of the city of New-York, shall become, and be seized in fee simple, absolute, of all such roads, streets, lanes and alleys, or parts of such roads, streets, lanes or alleys, as they may pray to have closed in the application which they may make as aforesaid: *And thereupon*, the said mayor, aldermen and commonalty, or any person or persons acting under their authority, may at any time or times thereafter, take the sole and exclusive possession of the same.

When corporation deemed vested of the road, &c.

II. *And be it further enacted*, That the said commissioners of estimate, to be appointed under and by virtue of this act, after completing their said estimate, and at least fourteen days before they make their report to the said court, shall deposit a true copy or transcript of such estimate, in the clerk's office in the city of New-York, for the inspection of whomsoever it may concern, and shall give notice by advertisements, to be published in at least two of the public newspapers, printed in the said city of New-York, of the said deposit thereof in the said office, and of the day on which their report will be presented to the said court, and any person and persons, whose rights may be affected thereby, and who shall object to the same, or any part thereof, may within ten days after the first publication of the said notice, state his, her, or their objections to the same in writing, to the said commissioners, and the said commissioners, or such of them as shall make such estimate, in case any objections shall be made to the same, and stated in writing as aforesaid, shall reconsider their said estimates, or the part or parts thereof so objected to, and in case the same shall appear to them to require correction, but not otherwise, they shall and may correct the same accordingly.

Transcript of estimate where to be deposited.

And notice to be published, and how.

III. *And be it further enacted*, That the said mayor, aldermen and commonalty, shall within four months after the confirmation of the report of the commissioners in the premises, by the court, pay to the respective persons and parties mentioned, or referred to, in said report, in whose favour any sum or sums of money shall be estimated and reported, by the said commissioners, the respective sum or sums so estimated and reported in their favor respectively; and in case of neglect or default in the payment, of the same within the time aforesaid, the respective person or persons, or party or parties, in whose favor the same shall be so reported, his, her or their

Corporation to pay the sums assessed.

Proceedings in case of neglect or default to pay

executors, administrators or successors, at any time or times after application first made by him, her or them, to the said mayor, aldermen and commonalty, in common council convened, for payment thereof, may sue for, and recover the same, with lawful interest, from and after the said application therefor, and the costs of suit, in proper form of action, against the said mayor, aldermen and commonalty, in any court having cognizance thereof, and in which it shall be sufficient to declare, generally, for so much money due to the plaintiff or plaintiffs, therein by virtue of this act, for premises taken by virtue thereof, and it shall be lawful for the plaintiff or plaintiffs, to give any special matter in evidence, under such general declaration, and this act, and the report of the said commissioners, with proof of the right and title of the plaintiff and plaintiffs, to the sum or sums demanded, shall be conclusive evidence in such suit or action: *Provided,*

Provision
where owners
are minors,
femes
covert or ab-
sent.

IV. *And be it further enacted,* That whenever the owners and proprietors of any such lands, tenements, hereditaments and premises, to be taken by virtue of this act, or the party or parties, person or persons interested therein, or any or either of them, the said owners, proprietors, parties or persons, in whose favor any such sum or sums, or compensation shall be so reported, shall be under the age of twenty-one years, non compos mentis, feme covert, or absent from the city of New-York, and also in all cases, where the name or names of the owner or owners, party or persons entitled unto, or interested in any lands, tenements, hereditaments or premises that may be so taken, shall not be set forth or mentioned in the said report, or where the said owners, party or persons respectively, being named therein, cannot, upon diligent enquiry be found, it shall be lawful for the said mayor, aldermen and commonalty, to pay the sum or sums mentioned in the said report, payable, or that would be coming to such owners, proprietors, parties and persons respectively, into the said supreme court of judicature, to be secured, disposed of and improved as the said court shall direct, and such payment shall be as valid and effectual in all respects, as if made to the same owners, proprietors, parties and persons respectively, themselves, according to their just rights, if they had been known and had all been present, of full age, discoverd and compos mentis: *And Provided also,* that in all and in each, and every case and cases, where any such sum or sums or compensation so to be reported by the said commissioners, in favor of any person or persons, and party or parties whatsoever, whether named or not named in the said report, shall be paid to any person or persons, or party or parties whomsoever, where the same shall of right belong, and ought to have been paid to some other person and persons, or party or parties, it shall be lawful for the said person or persons, or party or parties, to whom the same ought to have been paid, to sue for and recover the same, with lawful interest and costs of suit, from the person or persons, party or parties to whom the same shall have been paid, as so much money had, and received to the use of the said plaintiff or plaintiffs, by the person or persons, party or parties respectively, to whom the same shall have been so paid.

Remedy
where mon-
ies are paid
to parties not
entitled
thereto.

V. *And be it further enacted*, That in case of the death, resignation or refusal to act of any such commissioners of estimates, to be appointed under and by virtue of this act, it shall and may be lawful for the court aforesaid, or any one of the justices thereof, on the application of the mayor, aldermen and commonalty of the city of New-York, as often as such event shall happen, to appoint a discreet and disinterested person, being a citizen of the said city of New-York, in the place and stead of such commissioner so dying, resigning or refusing to act, and that the surviving or acting commissioners, as the case may be, shall have full power to proceed in the execution of the duties of their appointment, until a successor of the commissioner so dying, resigning or refusing to act, shall be appointed.

Vacancies in commissioners how filled.

Power of surviving commissioners.

VI. *And be it further enacted*, That in all and every case of the appointment of commissioners under this act, it shall be competent and lawful for any two of such said commissioners so to be appointed, to proceed to and execute and perform the trust and duties of their said appointment, and their acts shall be as valid and effectual as the acts of all the commissioners so to be appointed, if they had acted therein would have been: *And further*, that in all cases the acts, proceedings and decisions of a major part of such of the commissioners as shall be acting in the premises, shall be as binding, valid and effectual, as if the said commissioners named and appointed for such purpose had all concurred and joined therein.

Two of the commissioners may act.

Majority to controul.

VII. *And be it further enacted*, That the commissioners to be appointed under and by virtue of this act, who shall enter upon the duties of their appointment, shall each be entitled to receive the sum of not more than four dollars, besides all reasonable expenses for maps, surveys, clerk hire and other necessary expenses and disbursements, for each day they shall respectively be actually employed in the duties of their appointment, and the same shall be paid by the mayor, aldermen and commonalty of the city of New-York.

Compensation to commissioners.

VIII. *And be it further enacted*, That whenever and as often as the mayor, aldermen and commonalty of the city of New-York shall be desirous to open, lay out or form any street or public place, or to extend, enlarge, straighten, alter or otherwise improve any street or public place, which shall be contiguous to, or in the neighbourhood of any lot of ground fronting on any street or part of a street, which they may pray to have closed as aforesaid, that then it shall be lawful for them to unite in such application as aforesaid, an application to the said court to open, lay out and form any such street or public place, or to extend, enlarge, straighten, alter or otherwise improve any such street or public place, in pursuance of the provisions of the act, entitled "an act to reduce several laws relating particularly to the city of New-York into one act," and the acts in amendment thereof.

Proceedings to close, &c. and to open and lay out, &c. any street may be united.

IX. *And be it further enacted*, That when applications to close and to open, extend, enlarge, straighten or alter any street, lane, alley or public place, shall be united in the same application as aforesaid, that it shall be the duty of the said commissioners to proceed to and make a just and equitable estimate and assessment of the loss

Duty and proceedings of the commissioners in such case.

and damage, if any, over and above the benefit and advantage, or of the benefit and advantage, if any, over and above the loss and damage, as the case may be, to the respective owners, lessees, parties and persons respectively entitled unto or interested in the lands, tenements, hereditaments and premises fronting on any road, street, lane or ally, which application may be made to close as aforesaid, by and in consequence of closing any such road, street, lane or ally, or opening, extending, enlarging, straightening or altering any such street or public place; and that it shall not be lawful for the said owners, lessees, parties and persons respectively as aforesaid, to recover from the said mayor, aldermen and commonalty, any larger sum on account of the premises, than the sum so estimated to be their loss and damage over and above their benefit and advantage.

Owners &c.
entitled only
to the damage
above the
benefit.

Damages
when and
how & deducted
from the benefit.

When to be
assessed on
the corporation.

Covenants
&c. between
landlord and
tenant &c.
when discharged.

X. *And be it further enacted*, That when applications shall be joined as aforesaid, that it shall be the duty of the said commissioners to deduct from the amount of the damages which may be sustained by and in consequence of opening, laying out and forming any street or public place, or extending, enlarging, straightening altering or otherwise improving any street or public place, the amount which the road, street, lane or alley may be worth, if any, over and above the sum which the said mayor, aldermen and commonalty may be required to pay for the same as aforesaid, and to assess that sum upon the said mayor, aldermen and commonalty, or if the sum which they shall be required to pay for the same as aforesaid, shall exceed the value of the same, that then it shall be the duty of the said commissioners to award to the said mayor, aldermen and commonalty the amount of such deficiency and to assess the same upon the property of those which may be benefited as aforesaid.

XI. *And be it further enacted*, That all cases when no part of any lot or parcel of land, or other premises under lease or other contract, shall be contiguous to any road, street, lane or alley, after the closing of a road, street, lane or alley as aforesaid, that all the covenants, contracts and agreements between landlord and tenant, or any other contracting parties, touching the same or any part thereof, shall upon the confirmation of such report in the premises by the said court, respectively cease and determine, and be absolutely discharged.

CHAP. CCXIV.

AN ACT for the relief of Obadiah Bois.

Passed April 20, 1818.

WHEREAS it has been represented to the legislature, that the house of Obadiah Bois, treasurer of the county of Cortland, has been broken open, and the sum of three hundred and three dollars, of the money belonging to the said county, feloniously taken therefrom; Therefore,

Be it enacted by the people of the state of New-York, represented in senate and assembly, That it shall and may be lawful for

the board of supervisors of the said county of Cortland, at their next annual meeting, to cause to be raised, levied and collected, the said sum of three hundred and three dollars, over and above the ordinary fees for collecting the same, in the same manner as the contingent charges of the said county are raised, levied and collected; and the said sum, when so collected, shall be paid over to the said Obadiah Bois, as an indemnity for the loss sustained by the said Obadiah Bois as aforesaid: *Provided however*, that nothing in this act contained, shall be so construed as to make it obligatory on the said board of supervisors, to cause said sum of money to be levied, if in the opinion of a majority of said board it shall be deemed improper.

CHAP. CCXV.

AN ACT to annex part of the town of Hurley, in Ulster county, to the town of Esopus in said county.

Passed April 20, 1818.

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the passing of this act, all that part of the town of Hurley, in Ulster county, comprised in the following limits, viz beginning at the Wallkill, on the eastern side thereof, where the division line of New-Paltz and Hurley intersect said creek; thence down the Wallkill, until its junction with the Rundout creek, and thence down the Rundout creek, along the eastern bank thereof, until the point where the eastern boundary line of Hurley intersects the said Rundout; thence along the said line of Hurley as it now runs to the line of New-Paltz, and so along the same to the place of beginning, shall be and the same is hereby annexed to the town of Esopus.

CHAP. CCXVI.

AN ACT further to amend an act, entitled "an act, to incorporate the Dunderbergh and Clove turnpike company," passed the 27th March, 1809.

Passed April 20, 1818.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the time for completing the Dunderbergh and Clove turnpike road, be and the same is hereby further extended to the twenty-ninth day of March, in the year one thousand eight hundred and twenty-two, any thing in the act hereby amended to the contrary notwithstanding.

CHAP. CCXVII.

AN ACT to revive an act, entitled "an act, to incorporate the Parishville turnpike company," passed February 5th, 1813.

Passed April 20, 1818.

WHEREAS the directors of said company have expended large sums in making said road, and have nearly completed the same, but have lately discovered, that by the limitation of the act, entitled "an act relative to turnpike companies," the said corporation is dissolved: *And whereas*, it appears that the completion of said road would be of public utility, and as there appears to be no objections to renewing and continuing in force the said act of incorporation: Therefore,

Be it enacted by the people of the state of New-York, represented in senate and assembly, That from and after the passing of this act, the said act, entitled "an act to incorporate the Parishville turnpike company," be revived and continued in force, the same in all respects as though the said act had been passed at the present session of the legislature.

CHAP. CCXVIII.

AN ACT relative to the commissioner of Excise in the city of New-York.

Passed April 20, 1818.

Commissioner of excise to give bond.

Condition thereof.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly*, That it shall not be lawful for the commissioner for collecting the duty of excise, of and from the several retailers of strong and spirituous liquors in the city of New-York, to proceed to the discharge of the duties of his office, until he shall give a good and sufficient bond, to the mayor, aldermen and commonalty of the city of New-York, in the penal sum of ten thousand dollars, with two good and sufficient securities, to be approved of by the mayor and chamberlain of the said city, conditioned that he will on every Monday during the month of May, and on the first Monday of each succeeding month, during the time he shall continue to hold said office, deliver to the chamberlain of the said city, a list of the names of the persons to whom he shall grant licences to keep an inn or tavern, or to sell and retail strong or spirituous liquors in the said city, together with the sums which he may receive from them respectively, and that he shall at the respective periods of time, pay over to the said chamberlain, the sums which he shall receive for the licences which he shall grant as aforesaid: *And further*, that he will in all respects discharge and perform the duties of his office according to law.

II. *And be it further enacted*, That if the aforesaid commissioner shall refuse or neglect to give security as aforesaid, that then it shall be lawful, and it is hereby made the duty of the mayor of the said city, to discharge the duties of said office, until the said commissioner shall execute such bond, or another commissioner shall be appointed who shall execute such bond.

Provision where commissioner refuses or neglects to give the bond required.

CHAP. CCXIX.

AN ACT to divide the town of Hadley, in the county of Saratoga.

Passed April 20, 1818.

I. *Be it enacted by the People of the State of New-York, represented in senate and assembly*, That from and after the first day of March next, all that part of the town of Hadley, in the county of Saratoga, lying south of a line to be drawn, beginning on the west bank of Hudsons river, six miles north from the south line of said town, and running west parallel with the south line of said town, to the west line thereof, be erected into a separate town, by the name of Corinth, and that the first town meeting to be holden in and for said town, be held at the house of John Ensign; and that all of the remaining part of said town of Hadley, be and remain a town by the name of Hadley, and that the first town meeting in said town, be held at the house of Doty Colimer.

II. *And be it further enacted*, That it shall be the duty of the supervisors and overseers of the poor of the towns of Corinth and Hadley, within ten days after the first town meeting to be holden in and for said towns, to meet and divide the poor and poor money belonging to the said towns, agreeable to the amount of real and personal estates in said towns, and each of the towns shall forever thereafter keep and support their own poor; and if at the time of such division, the town of Hadley should be in debt for or on account of the former support of their poor, such debts shall be divided between the said towns of Corinth and Hadley, to be ascertained in manner aforesaid.

CHAP. CCXX.

AN ACT to build a fire-proof Clerk's office in the county of Warren.

Passed April 20, 1818.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly*, That it shall be the duty of the board of supervisors of the county of Warren, at their next annual meeting, and they are hereby required and directed, to cause to be levied and collected, from the taxable inhabitants in said county, in the same manner as is directed by law to be levied and collected to

\$80 dollars to be raised by tax.

defray the contingent expenses of the county, the sum of six hundred and fifty dollars, together with five cents on the dollar for collector's fees, for the purpose of building a fire-proof clerk's office for said county, which said office shall be built on such part of the lot where the court house now stands, as the said board of supervisors, or a majority of them shall direct, and the said board of supervisors are hereby authorised and directed to appoint some suitable person or persons, to build, or cause to be built the aforesaid office, and to draw his or their warrant on the treasurer of said county, for so much of the money to be collected as aforesaid, as to defray the expense of building the said fire-proof clerk's office.

Records &c.
when to be
removed to
the office
built under
this act.

II. *And be it further enacted*, That whenever the said clerk's office as aforesaid, shall be completed, it shall be the duty of the clerk of the county of Warren, to move all the books, papers and records, belonging to said county, into said office, and to keep the same therein until otherwise directed by law.

CHAP. CCXXI.

AN ACT authorising the health commissioners of the city of New-York, to lay out a road on Staten Island.

Passed April 20, 1818.

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be lawful for the health commissioners of the city of New-York, to lay out a road two rods wide on the north line of the Quarantine ground on Staten Island, from the road at the northwest corner of said quarantine ground, to the upper edge of the shore or bank of the bay or harbour: *Provided*, the owners of the adjoining ground shall lay off an equal quantity of their ground aforesaid, so that the road hereby contemplated may be four rods wide, except that part of said road on which the house of Garrit Fountain stands.

CHAP. CCXXII.

AN ACT to organise the Militia.

Passed April 21, 1818.

Preamble.

WHEREAS by the constitution of the United States, the congress have power to provide for organizing, arming and disciplining the militia, and for governing such parts of them as may be employed in the service of the United States, reserving to the states respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by the congress: *And whereas*, the congress did, on the eighth day of May, one thousand seven hundred and ninety-two, pass an act, entitled "an act more effectually to provide for the national defence, by establishing an uniform militia throughout the United States," the five first, and

tenth sections of which are now in force, and are in the words following, to wit :

I. Be it enacted by the senate and house of representatives of the United States of America, in congress assembled, That each and every free able-bodied white male citizen of the respective states, resident therein, who is or shall be of the age of eighteen years, and under the age of forty-five years, except as is herein after excepted, shall severally and respectively be enrolled in the militia, by the captain or commanding officer of a company within whose bounds such citizen shall reside, and that within twelve months after the passing of this act; and it shall at all times hereafter be the duty of every such captain or commanding officer of a company, to enroll every such citizen as aforesaid, and also those who shall from time to time arrive at the age of eighteen years, and being of the age of eighteen years and under the age of forty-five years, except as before excepted, shall come to reside within his bounds, and shall without delay, notify such citizen of the said enrolment, by a proper non-commissioned officer of the company, by whom such notice may be proved : that every citizen so enrolled and notified, shall within six months thereafter, provide himself with a good musket or firelock, a sufficient bayonet and belt, two spare flints and a knapsack, a pouch, with a box therein to contain not less than twenty-four cartridges, suited to the bore of his musket or firelock, each cartridge to contain a proper quantity of powder and ball, or with a good rifle, knapsack, shot pouch and powder horn, twenty balls suited to the bore of his rifle, and a quarter of a pound of powder, and shall appear so armed, accoutred and provided when called out to exercise, or into service, except that when called out on company days to exercise only, he may appear without a knapsack : that the commissioned officers shall severally be armed with a sword or hanger and esponton, and that from and after five years from the passing of this act, all muskets for arming the militia, as herein required, shall be of bores sufficient for balls of the eighteenth part of a pound; and every citizen so enrolled, and providing himself with the arms, ammunition and accoutrements required as aforesaid, shall hold the same exempted from all suits, distresses, executions or sales for debt, or for the payment of taxes.

Act of congress set forth.

Age Sec. of persons subject to militia duty.

Persons exempt from duty.

And be it further enacted, That the vice-president of the United States, the officers, judicial and executive of the government of the United States, the members of both houses of congress and their respective officers, all custom-house officers with their clerks, all post officers and stage drivers, who are employed in the care and conveyance of the mail of the post-office of the United States, all ferry-men employed at any ferry on the post road, all inspectors of exports, all pilots, all mariners actually employed in the sea service, of any citizen or merchant within the United States, and all persons who now are or may hereafter be, by the laws of the respective states, shall be and are hereby exempted from militia duty notwithstanding their being above the age of eighteen and under the age of forty-five years.

Militia to be arranged into divisions, brigades, regiments, battalions and companies.

And be it further enacted, That within one year after the passing of this act, the militia of the respective states shall be arranged into divisions, brigades, regiments, battalions and companies, as the legislature of each state shall direct; and each division, brigade and regiment, shall be numbered at the formation thereof, and a record made of such numbers in the adjutant general's office in the state, and when in the field or in service of the state, each division, brigade and regiment, shall respectively take rank according to their numbers, reckoning the first or lowest number highest in rank: that if the same be convenient, each brigade shall consist of four regiments, each regiment of two battalions, each battalion of five companies, each company of sixty four privates: that the said militia shall be officered by the respective states as follows: to each division, one major general and two aids de-camp, with the rank of major; to each brigade, one brigadier general, with one brigade inspector, to serve also as brigade major, with the rank of major; to each regiment, one lieutenant colonel commandant, and to each battalion one major; to each company, one captain, one lieutenant, one ensign, four sergeants, four corporals, one drummer and one fife or bugler: that there shall be a regimental staff, to consist of one adjutant and one quarter master, to rank as lieutenants, one paymaster, one surgeon and one surgeon's mate, one sergeant major, one drum major, and one fife major.

Militia how to be formed and organized into companies, &c.

And be it further enacted, That out of the militia enrolled as is herein directed, there shall be formed for each battalion, at least one company of grenadiers, light infantry or riflemen, and that to each division, there shall be at least one company of artillery and one troop of horse; there shall be to each company of artillery, one captain, two lieutenants, four sergeants, four corporals, six gunners, six bombardiers, one drummer and one fife; the officers to be armed with a sword or hanger, a fusée, bayonet and belt, with a cartridge box to contain twelve cartridges; and each private or matron shall furnish himself with all the equipments of a private in the infantry, until proper ordnance and field artillery is provided; there shall be to each troop of horse, one captain, two lieutenants, one cornet, four sergeants, four corporals, one saddler, one farrier and one trumpeter; the commissioned officers to furnish themselves with good horses, of at least fourteen hands and a half high, and to be armed with a sword and a pair of pistols, the holsters of which to be covered with bear skin caps; each dragoon to furnish himself with a serviceable horse, at least fourteen hands and a half high, a good saddle, bridle, mail pillion and valise, holsters and a breast plate and crupper, a pair of boots and spurs, a pair of pistols, a sabre and a cartouch box, to contain twelve cartridges for pistols: that each company of artillery and troop of horse shall be formed of volunteers from the brigade, at the discretion of the commander in chief of the state, not exceeding one company, of each to a regiment, nor more in number than one eleventh part of the infantry, and shall be uniformly clothed in regimentals, to be furnished at their own expense, the color and fashion to be determined by the brigadier commanding the brigade to which they belong.

And be it further enacted, That each battalion and regiment shall be provided with the state and regimental colors by the field officers; and each company with a drum and fife, or bugle-horn, by the commissioned officers of the company, in such manner as the legislatures of the respective states shall direct.

Colors and music to be provided.

And be it further enacted, That it shall be the duty of the brigade inspectors to attend the regimental and battalion meetings of the militia, composing their several brigades, during the time of their being under arms, to inspect their arms, ammunition and accoutrements, superintend their exercise and manœuvres, and introduce the system of military discipline before described, throughout the brigade agreeable to law, and such orders as they shall from time to time receive from the commander in chief of the state; to make returns to the adjutant-general of the state, at least once in every year, of the militia of the brigade to which he belongs, reporting therein the actual situation of the arms, accoutrements and ammunition of the several corps, and every other thing which in his judgment may relate to their government and the general advancement of good order and military discipline; and the adjutant-general shall make a return of all the militia of the state, and a duplicate of the same, to the president of the United States.

Duty of brigade inspectors.

And whereas, congress did, on the twentieth day of April, in the year of our Lord one thousand eight hundred and sixteen, pass an act, entitled "an act concerning field officers of the militia," in the words following, to wit:—

Further recital.

Be it enacted by the senate and house of representatives of the United States of America, in congress assembled, That from and after the first day of May next, instead of one lieutenant colonel commandant to each regiment, and one major to each battalion of militia, as is provided by the act, entitled "an act more effectually to provide for the national defence, by establishing an uniform militia throughout the United States," approved May the eighth, one thousand seven hundred and ninety-two, there shall be one colonel, one lieutenant colonel, and one major to each regiment of militia consisting of two battalions. Where there shall be only one battalion, it shall be commanded by a major: *Provided,* that nothing herein contained shall be construed to annul any commission in the militia which may be in force, as granted by authority of any state or territory, in pursuance of the act herein recited, and bearing date prior to the said first day of May next.

Act of congress.

Colonels and lieutenant colonels &c. established.

Provided,

And whereas, the reservation contained in the said constitution relative to the militia of the states, respectively, rendered it necessary that provision should be made in the premises by the legislature of this state: Therefore,

Further recital.

I. Be it enacted by the people of the state of New-York, represented in senate and assembly, That the commander in chief of the militia of this state shall arrange the same into divisions, brigades, regiments battalions and companies, and cause the same to be numbered, as nearly in conformity to the laws of the United States, now or hereafter in force, as local circumstances and the public convenience may permit, and may alter, divide, annex or consolidate the

Act of the state.

Militia how divided and arranged.

same, and dismiss supernumerary officers, as circumstances may from time to time require.

Companies
how consolidated and an-
naged.

II. *And be it further enacted*, That in the consolidation of the companies as aforesaid, it shall be the duty of the commander in chief, so to annex and consolidate the companies of cavalry, artillery, light artillery, light infantry grenadiers and riflemen, as to have at least forty privates in each company in complete uniform, and equipped according to law : And it shall be lawful for the commander in chief, to transfer and transform the whole or any part of the cavalry to light artillery, and such companies so transformed, shall be armed and equipped as cavalry, and liable to do duty as such or as light artillery, as the commander in chief shall from time to time direct : *And further*, that every troop or company of cavalry, every company of light infantry, grenadiers and riflemen, which shall not at any annual inspection and review, after the present year, have at least forty privates mounted, or armed and equipped as the law directs, either present on parade or absent, and conclusively proved by oath to be so mounted, or armed and equipped, shall be immediately reported by the inspector or officer acting as such, to the commanding officer present, who shall thereupon, without delay, disband the said company in orders, and give notice thereof to commander in chief ; and the commissioned and non-commissioned officers, musicians and privates of such company, shall be returned into the ranks and enrolled in the company within whose beat they respectively reside.

Companies
when and
how disbanded.

Supernumerary officers.

III. *And be it further enacted*, That every officer rendered supernumerary by order of the commander in chief, and by virtue of this act, may either be discharged from militia duty, or at his election, retain his rank in the line as a supernumerary officer, till a proper vacancy shall give him a command : but such officer shall, within thirty days after he shall have received notice of his being supernumerary as aforesaid, make his election as aforesaid, and signify the same to the commanding officer of his company, separate battalion, regiment, brigade or division, as the case may require, otherwise he shall be considered as reduced to the ranks.

Uniform
companies
consolidated.

IV. *And be it further enacted*, That the commander in chief, for the time being, shall consolidate as far as may be practicable, the companies of cavalry, artillery and all other uniform companies, so as to have at least the number required by this act, of forty privates in complete uniform, and transfer the whole or part of the cavalry of this state to light artillery, as he may think proper ; and that the said artillery shall continue to arm and equip themselves in all respects as cavalry, and shall be liable to do duty as cavalry, when thereto required by the orders of the commander in chief, who is authorized to arm any portion of them with carbines as he may think proper.

Staff depart-
ments organi-
zed.
Adjutant ge-
neral's.

V. *And be it further enacted*, That the several staff departments shall be organized as follows : in the adjutant general's department, there shall be appointed an adjutant general, with the rank of brigadier general ; to each division, a division inspector, with the rank of colonel ; and to each brigade, a brigade inspector, to serve also as a

brigade major, with the rank of major ; and to each regiment and separate battalion, an adjutant, with the rank of lieutenant : in the quarter-master general's department, there shall be appointed a quarter-master general, with the rank of brigadier general ; to each division, a division quarter-master, with the rank of lieutenant colonel ; to each brigade, a brigade quarter-master, with the rank of captain ; and to each regiment, a regimental quarter-master, with the rank of lieutenant : in the pay-master general's department, there shall be appointed a pay-master general, with the rank of colonel ; to each division, a division pay-master, with the rank of major ; to each brigade, a brigade pay-master, with the rank of captain ; and to each regiment and separate battalion, a pay-master, with the rank of lieutenant : in the commissary general's department, hereby established for the purchase and superintendence of military stores, there shall be appointed a commissary general, with the rank of brigadier general ; and so many commissaries as the commander in chief shall from time to time find necessary, for the safe keeping of the arsenals and magazines of military stores, and the munitions of war belonging to the people of this state : the commander in chief to designate in orders the extent of such commissaries' respective command, together with their rank, not exceeding that of colonel : in the hospital department, there shall be appointed a surgeon-general ; to each division, a hospital surgeon ; to each brigade, an assistant hospital surgeon ; and to each regiment, a surgeon and surgeon's mate, and to each separate battalion, a surgeon's mate : there shall be appointed a judge advocate general, with the rank of brigadier general ; to each division, a division judge advocate, with the rank of colonel ; and to each brigade, a brigade judge advocate, with the rank of major : the commander in chief may appoint three aids, with the rank of colonel ; and a military secretary, with the rank of major ; a major general, two aids, with the rank of major ; and a brigadier general, one aid, with the rank of captain : the commanding officer of each regiment and separate battalion, shall appoint, during his pleasure, by warrant, under his hand, one sergeant-major, one quarter-master-sergeant, one drum-major and one fife-major.

Quarter-master general's

Pay-master general's

Commissary general's

Hospital department.

Judge advocate general.

Aids, military secretary, &c.

Sergeant-major, &c.

VI. *And be it further enacted*, That the chief of each staff department, including the judge advocate general, shall under the direction of the commander in chief, have command over all subordinate officers in his department, and shall from time to time, issue orders and instructions for their government and practice, and shall prepare and transmit, at the expense of this state, all needful blank forms of returns, precepts, warrants and proceedings in their respective departments.

Duty and power of chief of staff departments.

VII. *And be it further enacted*, That the commanding officer of brigade, with the approbation of the commanding officer of his division, may divide, annex or alter the bounds of the several regiments or separate battalions under his command ; and the commanding officer of regiment or separate battalion, with the approbation of the commanding officer of his brigade, may divide, annex or alter the bounds of the several companies under his command ; all of

Duty and power of commanding officers of brigade.

which shall be reported to the commander in chief, and remain in force until he shall otherwise direct.

Duty of commanding officers of companies.

VIII. *And be it further enacted*, That the commanding officer of each company shall from time to time enroll all able bodied free white male citizens, and every able bodied alien, who shall have at any time been seised of any real estate within this state, and the sons of every such alien, and who may be between the ages of eighteen and forty-five years, and within the limits of his command, and distinguish on his roll and company return, all between eighteen and twenty-one years of age; and that the age and ability to bear arms of every such person so enrolled, shall be determined by the commandant of company, with the right of appeal to the commanding officer of the regiment; the certificate of a surgeon or surgeon's mate shall not be conclusive evidence of the inability of any person to bear arms, nor shall it be lawful for any surgeon or surgeon's mate, to take any fee or reward for giving such certificate: *Provided*, that the said commanding officers of companies shall not enroll for the purpose of

Provide as to persons exempted.

muster, or require militia service from those persons exempted by the laws of the United States, nor from the following persons, viz.: the lieutenant governor, the members and officers,* during and for fourteen days before and after their session, the chancellor, the justices of the supreme court, the judges of the courts of common pleas, judge of court of probates, secretary of state, attorney general, surveyor-general, comptroller, surrogates in their several counties, sheriffs, ministers and preachers of the gospel, all persons being of the people called quakers, professors, teachers and students in all colleges, and professors and teachers in the several academics and common schools, all persons who have heretofore been commissioned officers in the line of the army of the United States, and all officers who have served in the militia of this state, or the militia of any of the United States, shall be and hereby are exempted from serving in the militia of this state: *Provided*, that such officers in the militia of this state shall have served as such officer for the term of four years; all physicians and surgeons except in their several professions and callings, and all justices of the peace, on condition that such physicians and surgeons and justices of the peace severally pay two dollars for each parade to the president of the brigade court martial, and all persons exempted by special act of the legislature.

Provide.

Militia to rendezvous, and when and how.

IX. *And be it further enacted*, That all the militia shall rendezvous by companies in their respective beats, on the first Monday in September, in every year, at nine o'clock in the forenoon, for the purpose of training, disciplining and improving in martial exercise, and also, (except the artillery and riflemen,) once in every year by regiment or separate battalion, at such time and place within their respective beats, as the commanding officer of the brigade shall direct, for the purpose of inspection, review and martial exercise; and at such other times and places, either by regiment, battalion or company, as the commanding officer of the brigade shall direct, for the purpose of carrying into effect any order of the commander in chief, for calling into the service of this

* The words "of the Legislature" omitted in the engrossed bill.

state, or of the United States, the whole or any portion of the militia, in obedience to any law of the United States, or for the defence of this state, or to aid in the execution or maintenance of the laws of this state.

X. *And be it further enacted*, That the commanding officer of each regiment and separate battalion of infantry, shall on the day of the annual inspection and review, have the command of each company of artillery and riflemen, the commanding officer of which resides within the beat of his regiment or separate battalion, and shall give the like previous orders, and make the same returns of delinquencies, and with the like effect, as if they belonged to the infantry under his command; and the officers of riflemen shall be entitled to promotion in the infantry, and the several companies of riflemen not organized into a full regiment, or a full battalion, shall be attached to the infantry and be considered as flank companies, and to take rank as if they were light infantry or grenadiers.

Annual inspection and review regulated.

XI. *And be it further enacted*, That the commissioned and non-commissioned officers and musicians of each regiment and separate battalion, including the artillery and riflemen within the beat thereof, shall rendezvous one day in every year, and preceding the annual review, at nine o'clock in the forenoon, and continue through the day, necessary respites only excepted, in military exercise; the time and place of such rendezvous shall be appointed by the commanding officer of brigade, in orders to the commanding officer of the regiment or separate battalion; and it shall be lawful for the commanding officer of such regiment or separate battalion, to require each and every of the commissioned and non-commissioned officers and musicians aforesaid, to appear on said day, with such arms, accoutrements and instruments of music as he may deem proper, for the purpose of such exercise, and on that day to require commissioned and non commissioned officers to perform any and every duty belonging either to a commissioned or non-commissioned officer or private; and such commanding officer shall report all absences and deficiencies, to the president of the brigade court martial, there to be dealt with as in cases of absence or deficiencies at a regimental parade: and it is hereby made the duty of the brigade inspector to attend all such rendezvous in their several brigades, superintend their exercise and manoeuvres, and introduce the system of military discipline to be practised throughout the brigade, and report the most meritorious officers in the several regiments, to the commandant of brigade.

Officers, to rendezvous once a year.

Duty of brigade inspector.

XII. *And be it further enacted*, That the commanding officer of each company shall appoint by warrant, under his hand, the non-commissioned officers and musicians of his company, who shall respectively serve as such till excused therefrom, in writing, by the commanding officer of said company, or removed by the commanding officer of his regiment.

Non-commissioned officers to how appointed.

XIII. *And be it further enacted*, That for the purpose of warning the non-commissioned officers, musicians and privates, to any parade or place of rendezvous required by law, the commanding officer of each company shall issue his warrant under his hand, to

Militia, how warned to a rendezvous.

his non-commissioned officers respectively, or to such of them respectively, as he may deem convenient and proper, requiring them respectively to warn all persons liable to bear arms, within a certain district to be designated in such warrant, or all persons named in said warrant, as the said commanding officer may elect, to appear at such parade or place of rendezvous, armed and equipped as the law directs; and such non-commissioned officer shall warn all persons therein required, by reading the said warrant, or stating the substance thereof, in his hearing, or in case of his absence, by leaving a notice thereof, under his hand, at the usual place of abode, with some person of suitable age and discretion, or affixing the same on the outer door of the house, in case no such person can be found at home, and the said non-commissioned officer shall make return thereof, to his said commanding officer, therein stating the names of all persons by him warned, and the manner of warning them respectively, and make oath to the truth of such return before his said commanding officer, who is hereby authorised and directed to administer and certify the same on such warrant, and deliver the same, with his return of all delinquents and delinquencies, to the commanding officer or adjutant of his regiment; and such return, so sworn to and certified, shall be as good evidence to prove such warning, as if the said non-commissioned officer were personally present at the trial of any person by him warned, and had sworn to the same before a court martial: *And further*, that any commissioned officer of a company, without a warrant, may warn any or all of the persons liable to bear arms, within the beat of said company, to appear at any parade or place of rendezvous as aforesaid, and his certificate thereof, upon honor, shall be received by any court-martial as legal evidence of such warning; and the said commanding officer of company, shall make the like return upon honor, and with the like effect, of every delinquency and neglect of duty of his non-commissioned officers, either in not attending on parade or in not executing the warrant aforesaid, and returning the same, or in not obeying the orders of his commanding officer.

How long
deemed under
arms and
privileged
from arrest.

XIV. *And be it further enacted*, That for the purpose of preserving order on the day of parade, the militia shall be considered as under arms from the rising to the setting of the sun, on the same day, and shall be exempted from arrest on civil process during that time; and in addition to putting under guard, and the exercise of the usual military powers, the commanding officer of each company shall return to the commanding officer or adjutant of his regiment or separate battalion, the names of all persons in his company, who have discharged any fire arms on such day, within two miles of such parade, without the order or permission of a commissioned officer, or officer acting as such, the names of every non-commissioned officer, musician or private, who shall on such day refuse or neglect to obey the orders of his superior officer, or to perform such military duty or exercise, as may be required, or depart from his colors, post or guard, or leave the ranks without permission from his superior officer; and the commanding officer present, of either regiment, battalion or company, as the case may be, may put under guard

any by-stander or spectator, who shall abuse, molest or strike any one when on parade, or under arms; and every person who shall encroach on the bounds of the parade ground, previously designated, so as not to obstruct the passage of travellers on any public highway; or shall then and there sell, or offer to sell, or give away, any spirituous liquors, without permission of the said commanding officer, such liquor may be destroyed, and the person disposing of it, may be kept under guard until the setting of the sun on the same day.

XV. *And be it further enacted* That the following punishments, penalties and fines, for not conforming to the provisions of this act, shall be incurred and imposed, as hereinafter mentioned, viz: every commissioned officer, for disobedience of orders, neglect of duty, unofficerlike conduct and behavior, or disrespect to a superior officer, or for neglecting to furnish himself with a uniform and side arms, within six months after he receives his commission, shall be arrested and brought to trial, before a court-martial, who may, on conviction, sentence him to be cashiered and incapacitated from holding any military commission; and may impose a fine, not exceeding one hundred dollars, or may sentence him to any part of said punishment and penalties, or to be reprimanded, as the said court-martial shall think proper; no penalty shall be inflicted on any officer for appearing on parade without an esportoon: every non-commissioned officer, to whom any warrant or orders may be directed or given, for refusing or neglecting to execute or obey the same, for neglecting to return such warrant as directed, or making a false return, for neglecting or refusing to summon any delinquent to appear before a court-martial when required, or duly to return the summons for not appearing at the parade or place of rendezvous mentioned in such warrant, shall, without reasonable excuse, be sentenced to pay a fine not less than five, nor more than twenty-five dollars: every non-commissioned officer, for neglecting or refusing to act as such when duly appointed, shall be sentenced to pay a fine not exceeding twenty dollars, nor less than five dollars: every non-commissioned officer, musician or private, who shall unlawfully discharge any fire arms, within two miles of any parade, shall be sentenced to pay a fine of one dollar: every non-commissioned officer, musician or private, who shall, on any day of parade, neglect or refuse to obey the orders of his superior officers, or to perform such military duty or exercise as may be required, or shall depart from his colors, post or guard, or leave the ranks without permission, shall be sentenced to pay a fine not exceeding twenty-five dollars nor less than two dollars: every non-commissioned officer, musician or private, shall be sentenced to pay a fine for non-appearance at any company parade, of two dollars; at any regimental or battalion parade, or rendezvous of officers, not less than two, nor more than five dollars; and at any place of rendezvous when called in to actual service by the authority of this state, of a sum not exceeding twelve months pay, nor less than one months pay: every non-commissioned officer and private, appearing without being armed and equipped as the law directs, at any parade or rendezvous, shall be sentenced to pay the following fines, viz: for want of a

Penalties for disobedience, &c.

On non-commissioned officers.

The like.

The like on privates.

The like.

The like.

The like.

The like.

sufficient sword, if belonging to the cavalry or artillery, and for want of a sufficient musket or rifle, if belonging to a company of light infantry, grenadiers, riflemen or infantry, one dollar; for want of a sufficient bayonet and belt, twenty-five cents; for want of a pouch with a box therein, sufficient to contain twenty-four cartridges, suited to the bore of his musket, twenty-five cents; and whenever ordered by the commander in chief, or the commanding officer of division or brigade so to be equipped on parade, for want of two spare flints and a knapsack, twenty-four cartridges, shot pouch, powder-horn, twenty balls, and a quarter of a pound of powder, twenty-five cents each; but the whole number of spare flints, of cartridges and of balls, shall be considered each as only one deficiency: every non-commissioned officer, for neglect of duty, or disorderly or unofficerlike conduct, in addition to the foregoing penalties, may be reduced to the ranks by the commanding officer of his company, with the approbation of the commanding officer of the regiment or separate battalion.

The like.

Section to be read.

XVI. *And be it further enacted*, That the commanding officer of each company, at every parade, and immediately after roll-call, shall read, or cause to be read, the foregoing section, in the hearing of his company.

Brigade court-martial

XVII. *And be it further enacted*, That the commanding officer of each brigade of infantry, shall, on or before the first day of June, in every year, appoint a brigade court-martial, to serve also as a brigade court of enquiry, to consist of five commissioned officers, any three of whom may make a quorum, one at least of whom shall be a field officer and president thereof, one of whom residing within the limits of said brigade, may belong to the artillery, cavalry or riflemen, and shall give notice thereof, with the names of the president and other members of said court, to the commanding officer of each regiment and separate battalion within such brigade, who shall forthwith, and from time to time, as they shall come into his or his adjutant's hands, deliver over all returns of all delinquencies to the said president of the said court-martial; which court-martial shall have the trial of all offences and delinquencies within the limits of said brigade, which may be brought to trial within the year ending on the thirty-first day of May then next, except for offences and delinquencies of officers above the rank of captain; and the said court-martial shall assemble once at least in every year, within the beat of each regiment or separate battalion within such brigade, as the commanding officer of brigade shall, from time to time direct; and on the first assembling of said court-martial, the brigade judge advocate, and in case of there being no brigade judge advocate appointed by the governor and council, and qualified to act as such, then such judge advocate as the commanding officer of said brigade shall, for the time being appoint, shall administer to each member of said court then appearing, and afterwards to other members of said court who may thereafter appear, the following oath, viz: "You

Oath.

do swear, that you will well and truly try and determine, according to evidence, the matter now depending between the people of the state of New-York and the persons to be tried; and you do further swear, that you will not, upon any account, at any time what-

never, disclose or discover the vote or opinion of any particular member of the said court, unless required to give evidence thereof by a court of justice, in due course of law :” *And further*, that the said president shall direct any marshal, to be by him appointed, either before or after he shall have been sworn as aforesaid, to summon all delinquents and parties accused to appear before such court, at the time and place by him in orders appointed, and the said marshal shall make the like return, and with the like effect, as commissioned and non-commissioned officers are authorised and required to make, in cases of warning to a company or regimental rendezvous or parade, and shall be subject to the like penalties for neglect of duty therein, as is by this act provided for non-commissioned officers.

Marshal's duty.

XVIII. *And be it further enacted*, That every judge advocate appointed as directed by this act, shall, when he receives his commission, in addition to the other oaths required by law, take the following oath, viz. : “ I do swear that I will not, upon any account, or at any time whatsoever, disclose or discover the vote or opinion of any particular member of any court martial whereof I may act as judge advocate, unless required to give evidence thereof as a witness, by a court of justice in a due course of law, and that I will not divulge the sentence of any such court, until the same shall be approved or disapproved, in cases where the law requires an approval or disapproval :” and every special judge-advocate shall take and subscribe the said oath, in substance, before the president of the court-martial for which he was appointed to act.

Judge advocate.

Oath.

XIX. *And be it further enacted*, That every court martial for the trial of a general officer, shall be ordered by the commander in chief, and of a field officer or staff officer above the rank of captain, by the commanding officer of the division, and shall consist of thirteen commissioned officers, any nine of whom may make a quorum : if the officer accused shall have any cause of challenge to the president of such court, he shall, within a reasonable time after receiving a copy of the charges and a list of the members, deliver his cause of challenge, in writing, to the officer ordering such court, who shall thereupon determine as to the validity of such challenge ; and if in his opinion the causes are sufficient, he shall appoint another president of such court : and after the said court shall be assembled, and all challenges, if any, shall have been determined, the judge advocate, whether commissioned or special, shall administer to each member the following oath : “ You, do swear, that you will truly try and determine, according to evidence, the matter now depending between the people of the state of New-York and the person or persons to be tried : and you do further swear, that you will not divulge the sentence of the court, until the same shall be approved or disapproved pursuant to law ; neither will you, upon any account, or at any time whatever, disclose or discover the vote or opinion of any particular member of the court martial, unless required to give evidence thereof by a court of justice, in a due course of law : so help you God.”

Court martial for trial of a general officer.

Oath.

XX. *And be it further enacted*, That the president of every court martial authorised by the militia laws of this state, and of every

Subpoenas for witnesses.

court of inquiry, shall, both before and after he shall have been sworn as a member of said court, issue subpoenas for all witnesses whose attendance at such court may, in his opinion, be necessary in behalf of the people of the state; and also, on application for all witnesses in behalf of any officer charged or accused, or person returned as delinquent, and may direct the commanding officer of any company of infantry, to cause such subpoena to be served on any witness residing within his beat: and the president of any such court martial or court of inquiry, shall have power to administer the usual oath to witnesses, and shall have the same power to compel attending witnesses to be sworn and to testify, and to preserve order, as courts of common law jurisdiction; and all sheriffs, jailors and constables are hereby required to execute any precept issued by such president for that purpose.

Further powers.

Penalty on witnesses.

XXI. *And be it further enacted*, That every witness, for not appearing in obedience to such subpoena, when duly served, shall forfeit to the people of this state, the sum of fifty dollars; and the president of such court shall, from time to time, report to the district attorney, the names of all such delinquent witnesses, together with the names and places of residence of the persons serving such subpoenas, the better to enable him to prosecute for said forfeiture.

Copy of charges to be served on officer tried before court martial, and nature of sentence.

XXII. *And be it further enacted*, That no officer arrested, shall be brought to trial, unless a copy of the charge and specification, signed by the arresting officer, shall be delivered to him, or left at his usual place of abode, within three days after his arrest, nor unless the officer ordering such court martial, shall have ordered the same within thirty days after receiving notice of the arrest, and a copy of the charge and specifications: the sentence of any such court martial shall be according to the nature and degree of the offence, and according to military usage; but shall not extend further than cashiering the officer convicted, and disqualifying him from holding any office in the militia of this state.

Proceedings to be delivered to the officer.

XXIII. *And be it further enacted*, That the proceedings and sentence of every court martial, on the trial of any officer above the rank of captain, shall, without delay, be delivered to the officer ordering such court, who shall approve or disapprove of the same, within fifteen days thereafter, and shall give notice thereof to the president of such court martial and to the arresting officer; and may, if in his opinion he shall judge it proper, publish the same in orders; the right of appeal to the commander in chief is hereby reserved.

Right of appeal.

Court of inquiry.

XXXIV. *And be it further enacted*, That a court of inquiry hereby authorised to be instituted by the commander in chief, or the commanding officer of division or brigade, for the purpose of investigating the conduct of any officer, either by his own solicitation, or on the complaint or charge of improper conduct, degrading to the character of an officer, shall consist of not less than three nor more than five commissioned officers; and the president shall, without delay, report a statement of facts, to the officer instituting such court, who may, in his discretion, thereupon appoint a court martial for the trial of such officer.

XXV. And be it further enacted, That all fines which shall be imposed by any court martial on delinquents, shall be reported by the president thereof, to the comptroller, within thirty days after they shall be imposed; and for the purpose of collecting such fines, the president of such court shall, within thirty days after such fines shall have been imposed, make a list of all persons fined in any county, and who shall not have paid their said fines to such president, and designate the town to which each delinquent belongs, and the amount of fines so imposed on him, and draw his warrant under his hand, directed to the sheriff of said county, thereby commanding the said sheriff to levy the fine, together with his fees, of the goods and chattels of each person named in said list, and for want of goods and chattels whereon to levy, to take the body of such delinquent, and him closely confine in the jail of the said county, without bail or mainprize, till the said fine, together with the sheriff's and jailor's fees, shall be paid, and to make return thereof with his doings thereon, within sixty days; and in case the sheriff shall return any of the said delinquents not found, it shall be lawful for the said president or his successor, in like manner to issue another and further warrant, against the delinquent, so from time to time returned, until the whole of the said fines shall have been collected, or the bodies of the said delinquents taken; and the said sheriff, in levying the said fines, shall proceed in the same manner, and be entitled to the same fees, and subject to the same penalties, as in cases of execution against the goods and chattels of any person, issued out of any court of record; and the said president shall, within the thirty days aforesaid, deliver the said warrant to the said sheriff, his under sheriff or one of his deputies, together with all the monies by him received for fines, as aforesaid, and the said sheriff shall pay all monies by him to be levied and collected, together with what he may have received as aforesaid, into the treasury of this state; and whenever he shall settle his accounts with the court of exchequer, when holden at the seat of government, and oftener, if required, the said sheriff shall account, under oath, and settle with the comptroller for all monies by him received for fines as aforesaid: *Provided*, that the sheriff shall set at liberty any person so confined, after he shall have been in close confinement as aforesaid, ten days, for any fine not exceeding two dollars, and two additional days for every dollar over two dollars of such fine.

Fines to be reported and warrant how issued and served.

Provided

XXII. And be it further enacted That there shall be paid by this state, the following salaries and pay, in quarterly payments: to the adjutant-general, two thousand dollars a year, including office expenses: to the brigade inspector, seventy-five dollars a year: to the commissary-general, to reside at Albany, fifteen hundred dollars a year: to the commissary of the division of artillery, to reside at the city of New-York, and to have charge of the arsenals and military stores of the southern district, one thousand dollars a year: to the commissary of the third division of infantry to have charge of the military stores in Essex, Clinton and Franklin counties, and of the arsenals therein, five hundred dollars a year: to the commissary of the fifth division of infantry, to have charge of the

Salaries to certain officers.

arsenals at Rome, Watertown and Russel, and the military stores therein, five hundred dollars a year: to the commissary of the seventh division of infantry, to have charge of the arsenals at Onondaga, Canandaigua and Batavia, and the military stores on the Niagara frontier, five hundred dollars a year: to the judge advocate general, two hundred and fifty dollars a year: other commissaries, when actually employed in the charge of an arsenal or military stores, such monthly pay as the commander in chief shall think proper to allow: to each division and brigade judge advocate, and member of a court martial, or court of inquiry, two dollars a day for every day actually employed on duty: to any marshal, appointed by any court martial or court of inquiry, one dollar and fifty cents for each day actually employed in the execution of the duties required of him, and for his expenses of extra duty, to be certified by the judge advocate.

Vacancies
how to be re-
ported and
filled.

XXVII. *And be it further enacted*, That the commanding officer of each regiment or separate battalion shall, on or before the first day of November in every year, make a report to the officer commanding his brigade, of all vacancies in such regiment or separate battalion, with the names of suitable persons to fill such vacancies; but whenever such return shall not be in conformity to rank, he shall note the names of all officers whose rank alone would entitle them to promotion, together with such remarks as he may deem proper to make; and the commanding officer of brigade shall, on or before the first day of December thereafter, from the said returns, and such other information as he may possess, make the like return for his brigade, through the hands of the adjutant general, to the commander in chief: no officer shall in any wise be entitled to promotion on account of his rank to any office above the grade of the commanding officer of a regiment: the relative rank of officers of the same grade shall be determined by priority of date or test of their respective commissions; and in case of equal date, by their relative rank in the militia of this state immediately preceding their promotion; and in case of equal or no rank before such promotion, their rank shall be determined by lot, under the direction of the commanding officer of separate battalion, regiment, brigade or division, as the case may require.

Rank.

Band of mu-
sicians.

XXVIII. *And be it further enacted*, That the commanding officer of each regiment or separate battalion, may organize a band of musicians, not exceeding fourteen, and by warrant under his hand appoint a leader of such band, and the said musicians shall be subject to the orders of such leader and under the command of such commanding officer of the regiment or separate battalion, and the whole or any part of said band may be required by the commanding officer of the regiment or separate battalion to appear at any meeting of the officers for military purposes: the leader of such band and the commanding officer of his regiment or separate battalion shall make the like returns, in like manner, of all delinquents and delinquencies as in cases of non-commissioned officers and musicians in companies of infantry, and the court martial shall impose the like penalties on such delinquent members of such band.

XXIX. *And be it further enacted,* That the commanding officer of every corps of cavalry, artillery, flying-artillery and riflemen, shall make return of all delinquencies within his command, which are by this act cognizable before a brigade court martial, to the commanding officer of the brigade of infantry within whose beat such delinquent resides, to be by him delivered to the president of such court martial, in order that the said court may proceed therein as in other cases.

Delinquencies in certain cases.

XXX. *And be it further enacted,* That the commissary-general, with the approbation of the commander in chief, shall furnish each battalion with a stand of colors, and a sufficiency of fises, drums and bugles, at the expense of the state : and the said colors shall be uniform for the infantry ; and for the artillery and cavalry, respectively, there shall be a different device from the infantry and different from each other : the whole shall be made of cloth of strong texture, and not of silk ; but no colors, drums, fises or bugles shall be furnished for any brigade at an expense greater than the sum that shall have been theretofore actually paid into the treasury for fines in such brigade : *And further,* the said commissary general shall not furnish any colors or bugles for the cavalry or horse artillery, or colors, drums and fises for the infantry, artillery or riflemen, unless on the certificate of the commanding officer of brigade wherein such fines were collected, certifying the necessity of such colors and instruments of music, and setting them down in such certificate, beginning with those most necessary and descending in regular order to those the least necessary.

Colors and music to be furnished by the state, &c.

XXXI. *And be it further enacted,* That it shall be lawful for the commissaries of military stores, to sell out of the public arsenals for cash, to any citizen of this state belonging to the militia, who shall produce a certificate from the commanding officer of the company to which such person belongs, of his actual residence within the limits of, and of his enrollment in said company, a good musket and bayonet, with the necessary equipments, or a rifle, pistols, sword or knapsack, at the price which the same may have cost the state ; and that the said commissaries shall, in their returns to the commissary general, specify the number and kind of arms and equipments so sold, and the names of the persons to whom sold, and of the commanding officers of the companies of militia to whom they respectively belong, and shall pay quarterly into the treasury, the money received for such arms and equipments.

Commissaries of military stores to sell arms, &c.

XXXII. *And be it further enacted,* That it shall be lawful for the commander in chief to prescribe such rules, orders and regulations, relative to the distribution of the arms, and ammunition and military stores to the militia, when called into actual service, as to him may appear proper.

Distribution of arms, &c.

XXXIII. *And be it further enacted,* That no person under the age of twenty-one years, shall hereafter enlist in or join any company of cavalry, artillery or flying artillery, without the consent in writing of his parent or guardian.

Persons under 21, how to join certain companies.

XXXIV. *And be it further enacted,* That it shall not be lawful for the commanding officer of a company, to appoint more than one

Sergeants and corporals.

sergeant and one corporal, to every sixteen privates in said company.

Resignations
in certain
cases not al-
lowed.

XXXV. *And be it further enacted,* That in case any commissioned staff officer shall be appointed to a command in the line, in the regiment, battalion or company in which he resides, it shall be no excuse for any officer who might have claimed promotion, either to resign or to avoid military duty.

Duty of ma-
jor general.

XXXVI. *And be it further enacted,* That it shall and may be lawful to and for any major-general of a division, or commanding officer of a brigade, or commanding officer of a regiment or separate battalion, when and as often as any invasion may happen, to order out the militia or any part thereof, under their respective commands, for the defence of this state, giving notice of such invasion, and every circumstance attending the same, as nearly as possible, to their immediate commanding officer, by whom such information shall be transmitted, with the utmost expedition, to the commander in chief of this state; and that in case of insurrection, the commanding officer of the regiment within the limits of which any insurrection may happen, shall immediately assemble his regiment under arms, and having transmitted information thereof to the commanding officer of the brigade, and to the commander in chief of this state, shall proceed to take such measures to suppress such insurrection, as to any three of the justices of the county, in which such insurrection shall happen, shall appear most proper and effectual: and if any person be wounded or disabled while in the actual service of this state, in opposing any invasion or insurrection, or in suppressing the same, he shall be taken care of, and provided for, at the expense of this state: *Provided always,* that if any such justices shall deem a greater number of militia requisite to quell such insurrection, they shall, and are hereby required to apply for the same to the commanding officer of the division, or any brigade thereof, who are hereby severally required to obey such requisition.

Provided.

Officers when
to take oaths
of office.

XXXVII. *And be it further enacted,* That every commissioned officer, hereafter appointed, shall within thirty days after being notified of his appointment, accept the same by taking the oaths required by law, and report his acceptance to the commanding officer of his company, separate battalion, regiment, brigade or division, as the case may require; in default of which, he shall be deemed to have not accepted his said commission, and shall, if otherwise liable to bear arms, be enrolled in the company beat to which he belongs.

Privates not
allowed to
become fire-
men, except,
&c.

XXXVIII. *And be it further enacted,* That no non-commissioned officer or private belonging to any company of cavalry, artillery, grenadiers, riflemen or light infantry, shall be permitted hereafter to leave the troop or company to which he belongs, to engage to serve as a fireman in any fire company, in any city or county, which is now raised or hereafter to be raised, or to leave such troop or company and enlist in any other, without the written consent of the captain or commandant of the troop or company to which he belongs, except in cases of removal from and out of the beat of such

troop or company ; and it shall be the duty of the officers commanding any uniformed company, who by law are exempted from serving on juries, to return as a delinquent every non-commissioned officer and private who shall not appear on parade in the complete uniform of his corps, and for each offence he shall be liable to pay a fine not exceeding five dollars.

XXXIX. *And be it further enacted*, That the militia shall not be ordered to parade on any day during any election, to be held by virtue of the act for regulating elections, or within ten days previous thereto, except in cases of invasion or insurrection.

Militia not to parade during election.

XL. *And be it further enacted*, That the uniform of the infantry shall be the same as now remains established by the secretary of war of the United States, and of all other corps as the commander in chief shall, from time to time, direct ; but round hats, with the American cockade, shall be deemed a part of a full uniform for a captain or subaltern, and blue pantaloons, at all seasons of the year, shall be considered as a part of the full uniform.

Uniform of infantry.

XLI. *And be it further enacted*, That the commanding officer of brigade, shall give timely notice to the commanding officer of his division, of the time and place of his rendezvous of officers, and of his regimental or separate battalion parades for inspection and review, to the end that the said commanding officer of division, with the inspector of division and his other staff, may attend as many of the said rendezvous and parades as practicable, to review and superintend the exercise of the same, and to make report to the commander in chief of the most meritorious officers at such review.

Duty of commanding officers of brigades.

XLII. *And be it further enacted*, That all persons being of the people called shakers, or the society called quakers, who would otherwise be subject to military duty, by virtue of this act, and who shall refuse personal military service, shall be exempted therefrom, on paying annually the sum of four dollars each for such exemption, and who shall produce a certificate, signed by the clerk of the society to which he belongs, that he actually belongs to such society ; and it is hereby made the duty of every captain of infantry, within three months after he shall have received his commission, and yearly thereafter, or of the commanding officer of such company of infantry, for the time being, on the last Tuesday in May, to make a list of the names of all persons within his beat, being of the people called quakers, or of the society of friends called shakers, subject to military duty aforesaid, and who shall neglect or refuse personally to perform the same, and deliver such list, signed by him, to one of the assessors of the town or ward where such persons so neglecting or refusing to perform such military service shall respectively reside ; and the said assessors shall deliver the same list to the board of supervisors of the county wherein they reside, at the time they deliver the assessment roll of the town or ward whereof they are assessors ; and the said supervisors shall, at their first meeting after the delivery of such list, cause tax lists to be made out according to such lists so delivered, with warrants thereon, under their hands and seals, directed to the collector of the ward or town in which such persons

Quakers and shakers.

Warrants against them.

named in such lists respectively reside, for levying, within sixty days thereafter, the sum of four dollars, of the goods and chattels of each of the persons named in the said lists ; and the said collectors are hereby respectively authorised and required, to demand and receive of each of the persons named in such list, the sum of four dollars, and in default of payment, such collector shall levy the said sum of four dollars, by distress and sale of the goods and chattels of the person so neglecting or refusing to pay the same ; and in case any person named in any such tax list, shall be under age and live with his father or mother, or shall be then an apprentice or servant, the master or mistress, father or mother, as the case may be, shall be liable to pay the said sum of four dollars, for such person so under age, and in default of payment, the collector shall levy the same by distress and sale of the goods and chattels of such father or mother, master or mistress ; and the said respective collectors shall, within twenty days after the said monies shall be so collected, respectively pay the same to the county treasurer, who shall, on or before the first Monday in March, in every year, pay the same to the treasurer of this state, deducting his fees for receiving the same ; and the said collectors and county treasurers, shall have the like fees for collecting and receiving the said monies, as they are respectively entitled to, for collecting and receiving the monies for defraying the necessary and contingent charges of the city or county in which they reside.

When they
may be im-
prisoned.

XLIII. *And be it further enacted*, That in case any member of said society of shakers, shall refuse or neglect to pay the said sum of four dollars, to be assessed as aforesaid, together with the fees for collecting the same, and shall have no goods or chattels whereof the same can be levied in manner aforesaid, it shall be the duty of the officer to whom the warrant for collecting the same shall be directed and delivered, to take the body of the person so neglecting or refusing, and convey him to the gaol of the county in which he shall reside, and deliver him, together with the said warrant, to the jailor, whose duty it shall be to receive the same, and to detain the said person so neglecting or refusing, in close confinement, in the said gaol, until he shall pay the sum specified in such warrant, with the fees accrued thereon, together with the usual jailor's fees : *Provided*, such confinement shall in no case exceed the term of twenty days.

Proviso.

Drafts by the
commander
in chief.

XLIV. *And be it further enacted*, That if at any time hereafter, it shall become necessary for the commander in chief to order a draft from the militia for public service, it shall be made by lot, to be determined at a company parade, to be ordered for that purpose, when every non commissioned officer and private present on the parade, shall draw, to make up the quota, each one respectively to fill such grade as he is entitled to in such company, at the time of such draft required of such company ; and if any non-commissioned officer or private shall be absent from parade, the draft shall be made for him by one of the commissioned officers, with the like effect as if he had drawn in person ; and that if any person so drafted shall, at, or after, the time of rendezvous of such drafted militia, offer a substitute, the commanding officer of the company in which such

person may be at such time, shall accept the same, provided the said substitute shall be an able bodied man, and consent in writing to subject himself to all the duties, fines, forfeitures and punishments which the person so drafted would have been subject to, if he had personally served:

XLV. *And be it further enacted*, That the comptroller, on the application of the person administering the government of this state, shall, from time to time, draw his warrant on the treasurer for such sum or sums of money as may be requisite in the execution of this act, and as is thereby authorised, and may require the chief of every staff department, quarterly, to account for all monies by him received for that purpose.

Monies allowed to carry this act into effect.

XLVI. *And be it further enacted*, That all persons who shall become subject to do duty in the infantry, in the city of New-York, shall, within six months next and immediately after the time when they shall become so subject, equip themselves according to law, and make a report of their homes and residence to the commanding officer of the regiment within whose bounds they shall reside at the time of becoming so subject, or into whose bounds they shall remove during the said six months, under the penalty of five dollars, and the further penalty of five dollars for each parade of the company or regiment which shall take place during his residence within the bounds thereof, and before such report shall be made: and that whenever any person in the said city, liable to do militia duty, shall, after being enrolled, remove out of the bounds of the company within which he shall have been enrolled, he shall, forthwith, give information thereof and of his new residence, to one of the officers of such company, who shall, without delay, report the same to the adjutant of the regiment to which he shall belong, who shall, forthwith, give notice thereof to the commandant of the company into whose bounds such removal shall be made, if within the bounds of the same regiment; otherwise to the commandant or adjutant of the regiment into whose bounds such removal shall be made; and in case any such person shall neglect or unreasonably delay to give such information, or shall give any false information in the premises, he shall be subject and warned to do duty, and liable to all fines and penalties, and may be summoned to shew cause why the same should not be levied in the same manner as if he had not removed.

In New-York, infantry how to equip, &c.

XLVII. *And be it further enacted*, That every occupant of a house, or householder, in the city of New-York, when thereunto required by an enrolling officer of the beat wherein such occupant or householder shall reside, shall deliver to such officer verbally, or in writing, the name of every white male person between eighteen and forty-five years of age, residing or boarding in his or her house, under the penalty of ten dollars for every person between those ages, whose names such occupant or householder shall refuse or neglect to deliver as aforesaid, and under the further penalty of five dollars for every such person, whose name shall not be delivered as aforesaid, for each parade which shall, after such refusal or neglect, take place during the residence of such person in the house of such occupant or householder, until his name shall be delivered as afore-

Occupants &c. in New-York to give the names of boarders, &c.

said ; which penalties may be sued for in any court of record having cognizance thereof, by the adjutant of the regiment within whose bounds such occupant or householder shall reside : and if any person between the age of eighteen and forty five years, shall, when thereunto required, neglect or refuse to give such information with respect to himself to the occupant or householder of the house where he shall reside, as may enable such occupant or householder to give the information hereby required, such person so neglecting or refusing, shall be subject to the like penalties as are hereby imposed on householders or occupants, for their refusal or neglect in the premises.

Duty of major general in New-York.

XLVIII. *And be it further enacted*, That it shall be the duty of the major general of division of infantry of the city of New-York, to order out the commissioned officers, sergeants and enrolled musicians, belonging to said division, at such time and place as he shall appoint, at least twice in every year, for military improvement ; and it shall be the duty of the respective commandants of brigade belonging to said division, to order out the commissioned officers, sergeants and enrolled musicians of their respective brigades, at such times and places as they shall respectively appoint, at least three times every year : and in like manner, and for the same purpose, it shall be the duty of the respective commandants of regiments belonging to said division, to order out the commissioned officers, sergeants and enrolled musicians of their respective regiments at least four times in every year ; and that every commissioned officer, sergeant and musician aforesaid, who, after having been duly notified, shall, without such excuse as the officer ordering such meeting shall deem sufficient, neglect to attend any such meeting as aforesaid, shall forfeit and pay, if a commissioned officer, the sum of five dollars, and if a sergeant or musician, the sum of two dollars for every such neglect, to be recovered with costs of suit by and in the same manner as directed by the twenty-fifth section of this act ; and the division inspector, or person acting as such, of the division, or the brigade inspector, or person acting as such, of the brigade, or the adjutant, or the person acting as such, of the regiment, to whom such delinquent shall belong, shall report such delinquencies to the president of the court martial in the bounds in which such delinquent shall reside, within ten days after any of the parades aforesaid.

Militia in New-York how often to rendezvous.

XLIX. *And be it further enacted*, That the militia in the city and county of New-York, shall have three rendezvous in every year, for the purpose of being trained, disciplined and improved in martial exercise ; one by companies, one by battalion and one by regiment ; that the brigadier general shall appoint the regimental parades for inspection, at such time and place, within said city, as he may think proper, and that the times and places, for the other rendezvous, for the companies and battalions shall be appointed by the commanding officer of the regiment, who may order his regiment to be formed on the day appointed for the battalion parade.

Sergeants in New-York, their privileges &c.

L. *And be it further enacted*, That in the said city of New-York, any sergeant of infantry, who shall have uniformed, armed and equipped himself according to law, who shall produce a certificate,

dated within three months of the then present time, signed by the commanding officer of the company, and of the regiment, that he belongs to such company and regiment, shall be entitled to the same privileges and exemptions as are allowed to the non-commissioned officers and privates of the artillery in said city, except as to their time of service, which shall be ten years.

LI. And be it further enacted, That it shall and may be lawful, for each of the commandants of the several regiments in the city of New-York, to form and organize a band of musicians, within and for his said regiment, and that each and every person belonging to such organized band of musicians, shall be under the command and direction of said commandant, and for neglecting or refusing to appear at any parade, or meeting of officers, when warned, with their instruments of music, or for disobedience of orders, shall be liable to such fines and penalties as non-commissioned officers and privates are subject to by this act; and the persons belonging to such band of musicians, shall be exempted from serving as jurors during the time they continue in such band.

Bands of musicians in N. York.

LII. And be it further enacted, That the several regiments of New-York state artillery in the city and county of New-York, be and they are hereby constituted a brigade, denominated "the first brigade of New-York state artillery;" and shall be officered and organized agreeably to the provisions of this act.

Brigade of artillery in New-York.

LIII. And be it further enacted, That it shall and may be lawful for the several companies and regiments composing the said brigade, to use the same weapons, accoutrements and other equipments, with which they are provided at the passing of this law, until otherwise directed by the commander in chief; which weapons, accoutrements and other equipments, together with every horse actually enrolled for service, and belonging to any member or members of said brigade, shall be exempt from seizure by execution.

Further provisions.

LIV. And be it further enacted, That each regiment in said brigade shall be ordered out for exercise by the commanding officer thereof, at least twelve, and not exceeding eighteen times in each year, of which number as many shall be by brigade as the brigadier-general shall direct; and any officer who shall neglect to appear and do duty in the complete uniform of his corps on such parades, when thereunto duly notified, shall forfeit and pay a penalty not exceeding ten dollars for every parade at which he shall so neglect to appear; and every non-commissioned officer, musician and private, who shall so neglect to appear, shall forfeit and pay a penalty not exceeding five dollars, for every such neglect, to be recovered in the modes prescribed in this act; and it shall be the duty of every officer commanding a company, to make a just and true return of the name of every absentee from all parades, when thereunto required by the commanding officer of the regiment to which he belongs.

Regiments how ordered out for exercise.

LV. And be it further enacted, That the commanding officer of each regiment in said brigade, shall be entitled to receive from the military stores of this state, as much powder, ball and other munitions, as the commander in chief shall direct, for the purpose of better enabling such officers to exercise and improve their respective

Powder, ball, &c. to commanding officers of regiments, and how often the officers to be exercised.

Penalty for
neglect at pa-
rade.

regiments; and it shall be the duty of the officer commanding the said brigade, to exercise the officers thereof for their military improvement, at least four times in each year; and it shall be the duty of the respective commandants of regiments in said brigade to exercise the commissioned and non-commissioned officers, at least twice in every year; and any commissioned officer absenting himself from any such meeting, shall forfeit and pay a penalty of ten dollars, and any non-commissioned officer shall forfeit and pay a penalty of three dollars for every such neglect; and any non-commissioned officer who shall neglect or refuse to warn the men of his company to appear at any parade or meeting, when thereunto required by the commanding officer of his company, shall pay a fine not exceeding five dollars, for every individual whom he shall so neglect or refuse to notify; and should any non-commissioned officer neglect or refuse to summon any delinquent in his company to appear before any court martial, when thereunto required by a summons from the president thereof, or shall neglect to return any such summons in his own proper person before such court martial, shall pay a fine not exceeding fifteen dollars, for every delinquent whom he may so neglect or refuse to notify, which said fines may be levied as directed by this act unless satisfactory excuse be produced to said court.

Resignations
of officers.

LVI. *And be it further enacted*, That any officer in the aforesaid brigade of artillery, who shall hereafter resign his commission, and the resignation thereof be accepted by the proper authorities, shall, provided he has served faithfully in said brigade, the period of seven years, be thereafter exempt from all military duty in this state, except in cases of insurrection or invasion, and shall in no case be compelled to serve in a grade inferior to that which he shall have previously held; and every non-commissioned officer, musician or private, now belonging to, or who shall hereafter enlist in any regiment of said brigade, and shall serve faithfully therein for the period of seven years, from the date of such enlistment, shall thereafter be exempt from military duty in this state, except in cases of insurrection or invasion; and every non-commissioned officer, musician or private, actually and faithfully serving in the said brigade, shall be entitled to a reduction of five hundred dollars from the amount assessed upon him by the assessors of the city and county of New-York, as the value of his property, or property on which he is liable to pay taxes, and the residue shall be the sum for which he shall be assessed; and every such non-commissioned officer, musician or private, shall, provided he be a citizen of this state, and of lawful age, be entitled to vote at elections in the same manner as if he had actually paid taxes to this state; and every non-commissioned officer, musician and private actually and faithfully serving in this brigade, shall, during such service, be exempt from serving upon any grand or petit jury within this state.

Property ex-
empt from
taxation in
New-York.

Voting at
elections.

Brigade in-
spection re-
view.

LVII. *And be it further enacted*, That there shall be a review for the inspection of said brigade, on the second Tuesday of October in each year, or as soon thereafter as possible; and it shall be the duty of the officer commanding said brigade, and the staff officers of said brigade, to attend such review, and the brigade in-

pector, or person acting as such, is hereby required to make a just and true return of the officers, non-commissioned officers, musicians and privates, present at such review, together with the state of their arms and equipments: and it shall be the duty of the commandant of each regiment, to make a just and true return of the name of every officer, non-commissioned officer, musician and private, absent from such review for inspection, to the president of the brigade court martial, to be proceeded against as directed by this act.

LVIII. *And be it further enacted*, That it shall and may be lawful for persons of eighteen years of age, in the city of New-York, to enlist in any company of cavalry, artillery, or flying artillery: *And further*, that the twenty-ninth section of this act which makes it the duty of officers of cavalry, artillery and flying artillery, to make returns of delinquencies within their commands, to officers of infantry, shall not apply to the cavalry, artillery or flying artillery in the city of New-York.

Persons allowed to enlist in New-York and a certain section extended in its application.

LIX. *And be it further enacted*, That in all cases wherein special provision is not made, the general provisions of this act shall apply to the infantry and brigade of New-York state artillery and cavalry, in the city of New-York, except the company and regimental parades for military exercise as provided for by this act.

Act to apply in certain cases in New-York.

LX. *And be it further enacted*, That all acts and parts of acts heretofore passed in relation to the organization, government and payment of the militia, and any officer of the militia of this state, be and the same are hereby repealed.

Certain acts, &c. repealed.

CHAP. CCXXIII.

AN ACT relative to the assessment and collection of taxes in the county of Schenectady.

Passed April 21, 1818.

WHEREAS it is represented to the legislature, that great inequality exists in the apportionment of the quota of tax on the town of Duaneburgh, in the county of Schenectady, for the year one thousand eight hundred and seventeen, and that such inequality has arisen from the operation of the act, entitled "an act providing more effectually to ascertain and determine the true value of real estate within this state, and for other purposes," passed April 15th, 1817: For remedy whereof,

Preamble.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly*, That it shall be the duty of the supervisors of the county of Schenectady, to meet together at the court house in the city of Schenectady on the first Tuesday of June next, or at their stated meeting in October next, and examine the valuations of real estate, made by the assessors of the several wards and towns in the said county during the past years, and without reference to the assessments of former years, to reduce or increase the aggregate amount of such valuation in the said respective wards and towns, in such manner and proportion as they shall deem just

Value of real estate to be equalized.

and reasonable, for the purpose of equalizing the same as nearly as may be, according to the actual value of such real estate in each ward and town.

Taxes to be apportioned.

II. *And be it further enacted*, That at the first meeting of the supervisors of the city and county of Schenectady, after the first Tuesday of June next, or at their stated meeting in October next, the supervisors of the said county shall return true lists of the valuations, as well of the personal as of the real estate, within the several wards and towns of the said county, so as aforesaid equalized by them; and that it shall be the duty of the supervisors of the said city and county to apportion the amount of tax assigned to the said county for the present year among the several wards and towns of the said county, according to the amount of real and personal estate within the said respective wards and towns, as appearing from the aforesaid lists, any law, to the contrary notwithstanding.

CHAP. CCXXIV.

AN ACT making an appropriation to defray the expense of fitting up committee rooms in the capitol for the use of the legislature.

Passed April 21, 1818.

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That the treasurer of this state be and he is hereby authorised and required, to pay to John F. Bacon and Aaron Clark, clerks of the senate and assembly, on the warrant of the comptroller, six hundred and thirteen dollars and sixty-two cents, out of any monies in the treasury not otherwise appropriated, for the purpose of enabling the said John F. Bacon and Aaron Clark to pay and satisfy such persons as were employed by them in fitting up and preparing four committee rooms in the capitol, for the use of the legislature, agreeably to a joint resolution of the senate and assembly, and also for materials purchased by the said John F. Bacon and Aaron Clark, and used in making said repairs.

CHAP. CCXXV.

AN ACT to authorise the purchase of the laws of the state for the purposes therein mentioned.

Passed April 21, 1818.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That the secretary of this state is hereby authorised, under the direction of the person administering the government, to purchase from time to time as many sets of the laws of the state as may be necessary for the supply of new counties and towns, and for the other objects required by law; and that the comptroller shall issue his warrant on the treasurer from time to time for the payment of such purchases.

CHAP. CCXXVI.

AN ACT to regulate the price of printing in certain cases.

Passed April 21, 1818.

Be it enacted by the People of the State of New-York, represented in senate and assembly, That in any county in this state, except in the city and county of New-York, where it is by law required to publish in one of the newspapers, if any there be printed in said county, a notice of any sale, by virtue of a power contained in any mortgage, or a notice of a sale of any real estate, to be made by virtue of a writ of fieri facias, or any order of the judge of probates, or any surrogate, to appear before such judge or surrogate, to shew cause why the real estate of any deceased person should not be sold, or any notice of the sale of any real estate, by virtue of any order of the judge of probates, or any surrogate, it shall not be lawful for any printer or proprietor of such newspaper, to demand or receive for printing and publishing any such notice or order, more than thirty cents for the first insertion or publication of each and every folio, containing seventy-two words, of such notice or order, nor more than fifteen cents for every insertion or publication after the first, of every folio of such notice or order; and in case such printer or proprietor shall refuse to print and publish any such notice or order for such price or compensation, then it shall be lawful to publish the same in the newspaper printed by the printer for the state, any law to the contrary notwithstanding; and it shall not be lawful for the state printer to demand or receive any greater price or compensation for the publication of any such notice or order than above stated: *Provided always*, that when notice of a sale by virtue of a power contained in any mortgage shall be published in the state paper, by virtue of this act, a copy of the said notice shall be served on the person in possession of the mortgaged premises in all cases where the same are occupied, and in cases where the mortgaged premises are not occupied, and the mortgagor shall reside in the county where they lie, then a copy of said notice shall be served on the mortgagor, and in either case such notice shall be served at least six weeks before the time of such sale, and proof of such notice may be made, certified and recorded in the same manner, and shall have the like power and effect, as is provided for the proof of other notices of mortgage sales.

CHAP. CCXXVII.

AN ACT to amend an act, entitled "an act, concerning distresses, rents and the renewal of leases," passed April 5th, 1813, and for other purposes.

Passed April 21, 1818:

1. Be it enacted by the people of the state of New-York, represented in senate and assembly, That if any tenant at will, or for one

Proceedings
against ten-
ants in New-
York holding
over.

year, or from year to year, or lessee for years, of any houses, lands, messuages, tenements or hereditaments in the city and county of New-York, or his, her or their executors, administrators or assigns, shall, after the expiration of his, her or their term, hold over, and continue in possession of the same or any part thereof, without the leave, consent or permission of the landlord or lessor, or his or their assigns, and the said landlord, or lessor or assigns, shall have left a written or printed notice at least three months previous to the expiration of the term of lease, requiring such tenant or lessee to surrender the premises at the expiration of the term, on the premises, by delivering the same, or causing the same to be delivered by some discreet person to the tenant or lessee, or his wife, or some person of proper age residing on such premises, if any there be, and for want thereof, by putting up (fairly written or printed) such notice on the premises, and on the most conspicuous part thereof, where such notice can be most conveniently read; that on proof made of such notice, and on oath made by such landlord, or some other proper person for him, her or them, of such term being ended, and of such holding over without permission as aforesaid, it shall and may be lawful for such landlord or lessor, or his, her or their assigns, executors, administrators, agent, attorney, steward, bailiff or receiver, (duly authorised by such landlord or lessor, his, her or their assigns) to apply to the mayor of the city of New-York, or the recorder of the same city, or the special justices thereof, or to the justices of the justices court thereof, or any one or more of the latter, who on such proof of notice to quit, and of the nature and terms of such lease, and the expiration thereof, are hereby authorised and required to issue forthwith a summons, requiring the tenant or lessee to show cause within four days after service of such summons, why such landlord or lessor should not be put in possession of the premises; and if no sufficient cause be shown, such magistrate applied to as aforesaid, shall issue an order or warrant, to be directed to the sheriff or to any constable of the said city and county of New-York, commanding him to remove such tenant or lessee, and to put such landlord or lessor in possession; and the said sheriff or constable are hereby required to obey and execute such order or warrant.

Jury when
to be sum-
moned.

II. *And be it further enacted*, That if such tenant or lessee, on being summoned as aforesaid, shall make oath that he, she or they do not hold or occupy the premises in question, after their term is expired (or as the particular case may be) the said magistrate or magistrates, shall issue a precept directed to the sheriff or constable, commanding him to summon a jury of twelve persons, qualified to serve as jurors in the courts of record, to appear before such magistrate or magistrates, on a day not more than six days thereafter, who shall hear the proofs and allegations of the parties, and under the direction and advice of the magistrate or magistrates, try and determine in the cause; such jury shall be impanelled and sworn as in trials by jury in courts of record: and if there shall be a verdict and judgment in behalf of such landlord or lessor, the

same order or warrant shall be issued to put him in possession as is directed in and by the first section of this act.

III. *And be it further enacted*, That whenever any tenant or lessee, on being summoned as aforesaid, shall give such security to the landlord or lessor, as shall be satisfactory to the said magistrate or magistrates, to pay to such landlord or lessor, all damages, costs and expenses to which such landlord or lessor shall be subjected, by reason of such tenant or lessee holding over, the said magistrate or magistrates, shall not proceed any further in any such case, under the provisions of this act.

Tenant may give security and stay proceedings.

IV. *And be it further enacted*, That if any person who shall be sworn by virtue of this act, shall in such matter swear falsely, such person shall, on conviction thereof, be subject to all the pains and penalties of perjury.

False swearing declared perjury.

V. *And be it further enacted*, That nothing in this act contained, shall be construed to impair the rights of any landlord or lessor, under existing laws; and that the magistrates and officers shall be entitled to the like fees under this act, as for similar services under any other act or acts.

Certain rights saved and fees allowed.

VI. *And be it further enacted*, That it shall and may be lawful for any lessor or landlord, or any person or persons by him for that purpose lawfully empowered, at any time within the space of thirty days, next after the rent shall have become due and payable, to pursue, take and seize all such goods or chattels, as a distress for the arrears of rent, as may have been conveyed away, or carried from off the demised premises; and that so much of the thirteenth section of the act "concerning distresses, rents and the renewal of leases," as is repugnant hereto, be and the same is hereby repealed.

13th section of former act extended where goods of tenant are removed.

VII. *And be it further enacted*, That any tenant or tenants, who shall hold over the possession of any lands, tenements or hereditaments, against the provisions of the twenty-first section of the said act, "concerning distresses, rents and the renewal of leases," in addition to the double rent thereby given, shall be liable to pay and remunerate the landlord and lessor, for all special damages whatsoever, to which such landlord or lessor may be subjected, by reason of such holding over, to be recovered in like manner as in and by the said act is provided: *And further*, that the provisions of this section shall extend in all things to landlords or lessors, under the security to be given by virtue of the third section of this act.

Special damages allowed against tenants holding over.

CHAP. CCXXVIII.

AN ACT to alter the time of the future meetings of the Legislature.

Passed April 21, 1818.

Be it enacted by the people of the state of New-York, represented in senate and assembly, That the annual meeting of the legislature shall in future be held at the capitol, in the city of Albany, on the first Tuesday of January, instead of the last Tuesday of January.

CHAP. CCXXIX.

AN ACT concerning the gospel and school lot in the town of Preble, in the county of Cortland.

Passed April 21, 1818.

I. *Be it enacted by the People of the State of New-York, represented in senate and assembly,* That it shall be lawful for the freeholders and inhabitants of the town of Scott, in the county of Cortland, at their annual town meeting, to elect three trustees, being inhabitants and freeholders of the town of Scott, whose duty it shall be to call on and demand from the trustees of the town of Preble, for the amount of twenty-two forty-ninth parts of the sum due, and that has been received for the purchase of the gospel and school lot, sold by the trustees of the town of Preble, either in bonds, mortgages or notes; but in case of neglect or refusal to pay over as aforesaid, then it shall be the duty of the trustees of the town of Scott, to sue for the amount of the twenty-two forty-ninth parts of the amount of the said gospel and school lot, and recover the same in any court having cognizance thereof, for the support of the gospel and schools for the said town of Scott, to be appropriated in such manner as the freeholders and inhabitants of the said town, at their annual town meeting shall order and direct.

II. *And be it further enacted,* That it shall be the duty of the trustees of the town of Scott, to render a just and true account of their proceedings, as is directed by the sixth section of the act concerning gospel and school lots, passed the second day of April, one thousand eight hundred and thirteen.

CHAP. CCXXX.

AN ACT to amend the act, entitled "an act regulating the fees of the several officers and ministers of justice within this state."

Passed April 21, 1818.

Fees in the
court of chan-
cery regula-
ted.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly,* That from and after the passing of this act, no counsellor or solicitor of the court of chancery shall exact, demand or ask, or be allowed any greater or other fee or reward, for or in respect of any service hereafter to be done or performed by such counsellor or solicitor, than after the rate hereinafter specified, that is to say:

Counsellor's
fees.

Counsellor's fees A retaining fee in each cause five dollars, but no retaining fee to be allowed for more than one counsel.

Perusing, amending and signing every bill, answer, plea, demurrer, interrogatories and exceptions, if not done by the person acting as solicitor in the same cause, two dollars and fifty cents.

Perusing and settling every final decree that is special in its provisions, two dollars and fifty cents.

Every special motion actually made before the chancellor, or every actual attendance to oppose a special motion, if the same be not argued, one dollar and fifty cents, but if the same be argued, two dollars and fifty cents.

Arguing every plea or demurrer, or exceptions, five dollars.

Arguing before a master upon exceptions, or other matters referred, two dollars and fifty cents, but no allowance to be made for more than one counsel.

Arguing upon every hearing of a cause set down down for hearing upon the merits, eight dollars, but no taxation for more than two counsel; and this allowance not to apply to cases of bills taken *pro confesso*, though set down for hearing, as on bills to foreclose mortgages, and in cases of adultery; in which cases of hearing *ex parte*, an allowance only of two dollars and fifty cents, and only to one counsel.

Solicitor's fees. For a retaining fee in every case, three dollars, but when the same person acts as solicitor and counsel, no retaining fee to be allowed as solicitor. *Solicitor's fees.*

Drawing every bill, answer, plea, demurrer, replication, interrogatories, exceptions, affidavits and other proceedings, for each sheet containing ninety words, twenty-five cents; but no record, deed, writing, report, order or proceeding, or part thereof, to be inserted *verbatim*, or in *hæc verba*, shall be computed as any part of such draft.

Every engrossment, or copy thereof to file, for every ninety words, twelve and an half cents, and for every other necessary copy, for every ninety words, six cents.

Attending the chancellor out of term, upon petition, or upon any other necessary special motion, one dollar.

Attending the court of chancery in term time, upon every special motion, founded on previous notice, one dollar, and if argued or opposed, one dollar and fifty cents.

Actually attending the court of chancery in term, upon the hearing of a cause in which he is the solicitor, and which is set down for hearing and argued, five dollars.

Serving every rule or order, or copy of interrogatories, on the person to be served therewith, twenty-five cents.

Serving a subpoena to appear and answer, or an injunction, seventy-five cents.

Every necessary notice or summons, in a cause actually given, and including copy and service, thirty-seven and an half cents.

Drawing instructions, for the examination of each witness, twenty-five cents.

Abbreviating every bill, answer, depositions and exhibits for the use of counsel, and actually made for that purpose, and when the counsel is not the same person as the solicitor, for every ninety words contained in the writing abbreviated, three cents.

Drawing brief for counsel, on every special motion or petition founded on notice to the adverse party, one dollar.

Drawing brief for counsel upon the hearing of a cause set down for hearing at term, or for a hearing before a master, on a reference to take

and state an account, two dollars, but this allowance is not to extend to a hearing required by the rules of the court when the bill has been taken *pro confesso*.

Drawing charges or discharges before a master, for each sheet containing ninety words, twenty cents.

Attending the master, upon any matter referred to him, and not being a matter of account, when argued between the parties, one dollar, and when not argued, fifty cents.

Arguing before the master, on a reference to take and state an account, two dollars and fifty cents.

Attending a master, upon a summons to attend him, or upon a taxation of costs, fifty cents.

Attending the register with the draft of every decree, decretal or other order, to have the same settled and entered, fifty cents.

Copy of a bill of costs to be delivered to the opposite party before taxation, or to file after taxation, if before a decree, fifty cents, and if after a decree, one dollar.

Disbursements taxable.

And the solicitor is to be allowed in the taxation of costs for all disbursements actually and necessarily paid or incurred in the progress of the cause, and not herein already provided for.

Sergeant's fees.

Fees of the sergeant of the court. Each sergeant for attending court, for every final decree entered at the place of his attendance, and whether entered in term or vacation, fifty cents, to be paid to the register or assistant register, when the decree is entered, and for such other services as he shall perform by order of the court, such compensation as the chancellor shall from time to time allow, to be paid by the party or in the manner the court shall direct.

Register, &c. allowed fees for actual services only, and the solicitor entitled to fees for drawing decrees, &c.

II. *And be it further enacted.* That no register, assistant register, examiner, clerk or master in the court of chancery, shall hereafter exact or receive any fee or costs for any services not actually rendered or performed by such register, assistant register, examiner, clerk or master: and that in all cases in which decrees and other proceedings in any cause in the said court shall actually be drawn by the solicitor in said cause, the fees for drawing the same shall be charged by such solicitor.

Certain parts of former act repealed.

III. *And be it further enacted,* That so much of the act, entitled "an act regulating the fees of the several officers and ministers of justice within this state," passed April 9, 1813, as relates to the counselors' fees, the solicitors' fees, and sergeants' fees of the court of chancery, be and the same is hereby repealed.

CHAP. CCXXXI.

AN ACT for building a bridge across the west branch of Hudson River.

Passed April 21, 1818.

Certain land to be sold.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly,* That it shall be lawful for the commis-

shioners of the land office, at anytime or times that they may think proper to sell and dipose of, on such terms of credit, and in such parts or parcels, and in such manner, as to them shall seem fit, so much of the lands belonging to the people of this state, situate in Palmer's purchase, and in Totten and Crossfield's purchase, or in either of them, as shall be sufficient to raise the sum of five thousand dollars, with interest from this date, at the rate of six per cent. per annum.

II. *And be it further enacted*, That the sum of five thousand dollars is hereby appropriated and directed to be paid by the treasurer, on the warrant of the comptroller, to Alexander St. John and John Fay, the commissioners hereinafter named, for the purpose of erecting and building a bridge across the west branch of Hudson river, at or near the fish house in the town of Northampton, in the county of Montgomery.

5,000 dollars appropriated to build a bridge.

III. *And be it further enacted*, That the said Alexander St. John and John Fay are hereby appointed commissioners, for the purpose of erecting the bridge aforesaid, and they, or any two of them, are authorised to carry into effect, in relation to the same, the provisions contained in the preceding section of this act, in such manner as they shall deem most conducive to the public interest; and before the payment to them of the aforesaid sum of five thousand dollars, they shall give bonds, with surety to be approved of by the comptroller, in the sum of ten thousand dollars, with condition faithfully to perform the duties required of them by this act, according to the true intent and meaning thereof.

Commissioners appointed to build same.

To give bonds.

CHAP. CCXXXII.

AN ACT *to vest the right of the people of this state to certain lands therein mentioned in Samuel Crossett and others.*

Passed April 21, 1818.

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That all the right, title and interest of the people of this state, to lots number one, eleven and twelve, in a tract of land granted by letters patent to Nathaniel M'Culloch, in the town of Hebron in the county of Washington, be and is hereby vested in Samuel Crossett, in trust for himself and all other persons who have derived title under him, according to their several proportions of, and equitable interests in the said lots of land.

CHAP. CCXXXIII.

AN ACT *for the better apprehension and punishment of criminals.*

Passed April 21, 1818.

Be it enacted by the people of the state of New-York, represented in senate and assembly, That the treasurer pay annually, on the warrant of the comptroller, to the person administering the govern-

ment of this state, a sum, not exceeding two thousand dollars in the whole in any one year, to defray such expenses as may from time to time, in his opinion, be necessarily incurred in the apprehension of criminals.

CHAP. CCXXXIV.

AN ACT to amend the act, entitled "*an act to incorporate the Chenango turnpike road company.*"

Passed April 21, 1818.

Be it enacted by the People of the State of New-York, represented in senate and assembly, That the company incorporated in and by the said hereby amended act, shall be, and hereby are allowed five years from the passing of this act, to complete the said turnpike road, any thing in the said act, or the general act, in relation to turnpikes, to the contrary notwithstanding, and that the said act hereby amended, be and the same is hereby revived.

CHAP. CCXXXV.

AN ACT to amend an act, entitled "*an act concerning the inspection of pot and pearl ashes,*" passed the 25th February, 1813.

Passed April 21, 1818.

The year to be branded on the head of barrels.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly,* That it shall be the duty of every inspector of pot and pearl ashes within this state, after the passing of this act, to brand in figures on the head of each barrel that he may hereafter inspect, the year in which said pot or pearl ashes shall be inspected, for which services he shall be allowed the additional sum of one cent per barrel so branded.

Allowance for cooperage.

II. *And be it further enacted,* That no inspector of pot and pearl ashes shall be allowed more than ten cents per barrel for cooperage, and one dollar for each and every new barrel, necessary by them to be furnished: and no inspector of pot and pearl ashes shall be allowed to charge any storage on the barrels of ashes delivered at his office for inspection until fifteen days after the same shall be inspected, and the bills of inspection shall be made out, and then at and after the common rate of storage.

Storage how to be charged.

CHAP. CCXXXVI.

AN ACT relative to banks and for other purposes.

Passed April 21, 1818.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly,* That it shall not be lawful for any

person, association of persons, or body corporate, from and after the first day of August next, to keep any office of deposit for the purpose of discounting promissory notes, or for carrying on any kind of banking business or operations, which incorporated banks are authorised by law to carry on, or issue any bills or promissory notes, as private bankers, unless thereunto specially authorised by law: *Provided*, that nothing in this act contained shall be deemed to extend to the bank in New-York, owned by Jacob Barker, called the Exchange bank, until three years after the passing of this act: *Provided also*, that nothing in this act contained shall be deemed or construed to abridge, enlarge, or in any way affect any rights heretofore granted by law to any incorporated company.

Banking power prohibited to persons or associations unless expressly authorised.

Proviso.

Further proviso.

II. *And be it further enacted*, That in case any person or persons, or body corporate, shall contravene the foregoing provisions, every such person or persons, and the members of every such corporation, who shall either directly or indirectly assent thereto, shall for every offence forfeit the sum of one thousand dollars, to be sued for by the attorney-general, and recovered in an action of debt, in the name of the people of this state, in any court of record, with costs to be taxed, and that one half of the said forfeiture, when recovered, shall be to the use of the said people, and the other half to the informer.

Penalty for violating this act.

III. *And be it further enacted*, That in case any incorporated bank shall refuse to pay any of its bills or notes hereafter to be issued, in lawful money of the United States, on demand, the holder of such bills or notes shall be entitled to recover the amount thereof, in an action on the case, for money lent, with interest thereon, at the rate of ten per cent per annum, from the time of such refusal, with costs.

Liability of banks refusing to pay their bills.

IV. *And be it further enacted*, That the second section of the act, entitled "an act to amend the act, entitled "an act to incorporate the stockholders of the bank of Orange, passed 8th April, 1813, and for other purposes," passed April 15, 1817, be and the same is hereby repealed.

A certain section repealed.

CHAP. CCXXXVII.

AN ACT relative to the aqueduct association in the village of Catskill.

Passed April 21, 1818.

I. *Be it enacted by the People of the State of New-York, represented in senate and assembly*, That the capital stock of the aqueduct association in the village of Catskill, shall be ninety thousand dollars, and shall consist of three hundred shares at three hundred dollars each, and that the several stockholders shall be permitted to pay in the sum of three hundred dollars on each share of their stock.

Capital stock.

II. *And be it further enacted*, That the stockholders shall have power to choose eleven directors, who shall be stockholders; that the first election for directors shall be holden on the first Monday

Directors and elections how conducted.

of May next, at the office of the said association, in the village of Catskill, of which election at least thirty days notice shall be given in a public newspaper printed in the said village, and signed by the treasurer of the association for the time being; and that the said stockholders shall annually thereafter, on the first Monday of May in every year, choose eleven directors, at such time of day, at such place within the said village, as a majority of such directors for the time being shall appoint, and public notice shall be given by the said directors, not less than thirty days previous to the time of holding the said election, by an advertisement to be inserted in a public newspaper printed in the said village; the election to be made by such of the stockholders as shall attend in person, or by proxy, and shall be by ballot, and the eleven persons having the greatest number of votes shall be directors, and if any two or more persons shall have an equal number of votes, then the directors in office at the time of the election, or a major part of them, shall proceed to ballot, and by plurality of votes, determine which of said persons having an equal number of votes shall be the director or directors, so as to complete the number of eleven; that the directors chosen shall hold their offices for one year from the first Monday of May in every year, and until others shall be chosen, and that the directors as soon as may be after their election, shall by ballot elect one of their members for their president; and whenever any vacancy or vacancies shall happen among the said directors, such vacancy or vacancies shall be filled for the remainder of the year in which they shall happen by such person or persons as the remainder of the directors, or a majority of them, shall appoint.

Vacancies
how filled.

Elections
may be held
on any other
day.

III. *And be it further enacted*, That in case it should happen that an election of directors should not be made on any day when pursuant to this act it ought to have been done, the said corporation shall not for that cause be deemed to be dissolved, but that it shall and may be lawful on any other day to hold an election of directors, in such manner as shall have been regulated by the laws and ordinances of the said corporation.

Powers of di-
rectors.

IV. *And be it further enacted*, That the directors for the time being, or a majority of them, shall have power to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said corporation, and the duties and conduct of their officers, clerks and servants, the election of directors, and all such other matters as appertain to the concerns of the institution, and shall also have power to appoint so many officers, clerks and servants as to them shall seem meet: *Provided*, that such by-laws, rules and regulations be not repugnant to the constitution and laws of this state or of the United States.

Provide.

Amount of
debts due by
bank limited.

V. *And be it further enacted* That the total amount of debts which the corporation shall at any time owe, whether by bond, bill, note or other contract, over and above the specie then actually deposited in the bank, shall not exceed three times the sum of the capital stock subscribed and actually paid into the said bank; in case of such excess, the directors under whose administration it shall happen,

shall be liable for the same in their separate and private capacities, but this shall not be construed to exempt the said corporation, or any estate, real or personal, which they may hold as a body corporate, from also being liable for, and chargeable with such excess; but such of the directors who shall have been absent when the said excess was contracted, or may have dissented from the resolution or act whereby the same was so contracted, shall not be liable.

VI. *And be it further enacted*, That the lands, tenements and hereditaments which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for its immediate accommodation, in relation to the convenient transaction of its business, or such as shall have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts.

Real estate held by bank.

VII. *And be it further enacted*, That the bills obligatory and of credit under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by endorsement thereupon, under the hand or hands of such person or persons, his, her or their assignee or assignees, and so as absolutely to transfer and vest the property thereof, in each and every assignee or assignees respectively; and to enable such assignee or assignees respectively to bring and maintain an action thereupon, in his, her or their own name or names; and bills or notes which may be issued by order of the said corporation, promising the payment of money to any person or persons, his, her or their order, or to bearer, though not under the seal of the said corporation, shall be binding and obligatory upon the same, in like manner and with like force and effect, as upon any private person or persons, if issued by him, her or them, in his, her or their private or natural capacity or capacities, and shall be assignable and negotiable in like manner as if they were so issued by such private person or persons.

Bills &c. as assignable and their character and effect.

VIII. *And be it further enacted*, That the said corporation shall not demand any greater interest on any loan or discount than at the rate of six per cent. per annum unless where such loan or discount shall be for a longer period than sixty days.

Interest on loans regulated.

IX. *And be it further enacted*, That if at any time after the passing of this act, the said president, directors and company shall refuse, on demand being made at their banking house, during the regular hours of doing business, to redeem in specie, or other lawful money of the United States, their said bills, notes, or other evidences of debt issued by the said company, the said president, directors and company, shall, on pain of forfeiture of their charter, wholly discontinue and close their said banking operations, either by way of discount or otherwise, until such time as the said president, directors and company shall resume the redemption of their bills, notes or other evidences of debt, in specie or other lawful money of the United States; and the said association shall be liable to pay for all notes, bills or evidences of debt, due from them, which shall have been so demanded, and which shall not have been paid in spe-

Bank to redeem its bills on pain, &c.

cle as aforesaid, damages at and after the rate of ten per centum per annum, until the same shall be paid or otherwise satisfied.

To make a return annually on oath to the legislature.

X. *And be it further enacted*, That it shall be the duty of the president and cashier of the said corporation, for the time being, to make a return under oath, to the comptroller of this state, annually, on the first Tuesday of January in every year after the said association goes into operation, which return shall contain a full and true account of the funds and property of the said association, the amount of the capital stock subscribed and paid in, the amount of debts due to and from the said association, the amount of bills and notes emitted by the same in circulation, and the amount of specie in the said bank, at the time of making such return: and in case the president and cashier shall refuse or neglect to make such return as aforesaid, within thirty days after the time above specified as aforesaid, the legislature may at any time thereafter, in their discretion, dissolve the said corporation.

Restrained from dealing in trade, &c.

XI. *And be it further enacted*, That the said association shall not directly or indirectly deal or trade in buying or selling any goods, wares or merchandizes, or commodities whatsoever, or in buying or selling any stock created under any act of the United States, or of any particular state, unless in selling the same when truly pledged by way of security for debts due to the said corporation.

Duration of act.

XII. *And be it further enacted*, That this act shall continue and be in force until the first day of May, in the year one thousand eight hundred and thirty-two.

CHAP. CCXXXVIII.

AN ACT to incorporate the Cherry Valley Bank.

Passed April 21, 1818.

Preamble.

WHEREAS Joseph White, Jesse Johnson and others, have associated as a company, under the name and style of the "Cherry Valley bank," and by their petition presented to the legislature, have prayed to be incorporated as a body corporate, with banking privileges: Therefore,

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly*, That all such persons as shall be stockholders of the said bank, shall be and hereby are ordained, constituted and declared to be, from time to time, and until the first day of January, which will be in the year of our Lord one thousand eight hundred and thirty three, a body corporate and politic, in fact and in name, by the name of "the president, directors and company of the Central bank," and by that name they and their successors, until that day, shall and may have succession, and shall be in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors may have a common seal, and may change and alter the

same at their pleasure; and also that they and their successors, by the aforesaid name of incorporation, shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of the said corporation: *Provided*, that the real estate which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for its accommodation in relation to the convenient transaction of its business, or such as shall have been *bona fide* mortgaged to it, by way of security, or conveyed to it, in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts: *And provided*, that the said bank shall be established in the village of Cherry Valley, and that its operations of discount and deposit shall be carried on in the said village of Cherry Valley, and not elsewhere: *And provided also*, that it shall not be lawful for the said bank to issue any notes or bills, until an affidavit, by the president and cashier of said bank, shall be made and filed in the clerk's office of the county of Otsego, stating that the sum of twelve and an half per cent. upon each share of the capital stock of said bank, has been actually paid into the said bank, by the several stockholders, in specie: *And further*, that the said corporation shall not, directly or indirectly, deal or trade in buying or selling any goods, wares, merchandize or commodities whatsoever, or in buying or selling any stock created under the United States, or of any particular state, unless in selling the same when truly pledged by way of security for debts due to the said corporation.

II. *And be it further enacted*, That the capital stock of the said corporation shall be two hundred thousand dollars, and that a share in said stock shall be fifty dollars.

III. *And be it further enacted*, That the stock, property, affairs and concerns of the said corporation, shall be managed and conducted by thirteen directors, to be appointed and chosen in the manner hereinafter mentioned, who shall be stockholders and citizens of this state, and shall hold their offices for one year, and until others shall be chosen in their places: the election for directors shall be holden on the first Mouday of November in each year, at such time of day, and at such place within the village of Cherry Valley, in the county of Otsego, as a majority of the directors shall appoint; and public notice shall be given, not less than thirty days previous to the time of holding said election, by an advertisement, to be inserted in one of the public newspapers, printed in the county of Otsego; the said election shall be made by the stockholders in the said corporation, either in person or by proxy; and all elections for directors shall be by ballot, each stockholder shall be entitled to a number of votes equal to the whole number of shares which he or she shall have or hold in his or her name, at least thirty days previous to the time of voting, that is to say, one vote for each and every share; and the thirteen persons who shall have the greatest number of votes as aforesaid, shall be directors; and if it should happen at any election, that two or more persons elected as aforesaid, shall have an equal number of votes, then the commissioners hereinafter mentioned, at the first election, and afterwards the directors in office at the

time of such election, or major part of them shall proceed to ballot, and by plurality of votes determine which of the said persons, so having an equal number of votes, shall be director or directors, so as to complete the whole number so to be elected; and the directors, as soon as may be thereafter, shall proceed by ballot, to elect one of their number to be their president; and if any director, living in the village of Cherry Valley, shall remove out of the same, his office shall be considered as vacant; and all vacancies in the directors, shall be filled for the remainder of the year in which they shall happen, by such person or persons as the remainder of the directors, or a majority of them, shall appoint.

IV. *And be it further enacted*, That Henry F. Cox, William Campbell, Levi Beardsley, William W. Enders and George Morrell, shall be commissioners, whose duty it shall be, on or before the first Monday of August next, at some proper place in the village of Cherry Valley, to open books to receive subscriptions to the capital stock of the said bank; and public notice shall be given by the said commissioners, of the time and place of opening said books, in all the newspapers printed in the counties of Otsego and Montgomery, for at least four weeks; and it shall be the duty of the said commissioners to keep said books open for the space of one week, and to receive the subscriptions of all persons inclined to subscribe therein, being residents of this state; and the said commissioners shall demand and receive from every subscriber, at the time of subscription, the sum of one dollar in specie, on each share so subscribed; and if the number of shares so subscribed shall exceed four thousand shares, the said commissioners shall apportion the same among the several subscribers, in proportion to the amount of their several subscriptions; and the said commissioners shall be inspectors of the first election of directors of said bank, and shall certify under their hands, the names of those duly elected, and deliver over to them the subscription books, together with the deposit in money on the stock so subscribed; and the time and place of holding such first election, shall be fixed by the said commissioners as aforesaid; and public notice, for at least thirty days, of the time and place of such election, shall be given by the said commissioners as aforesaid, and the directors so chosen, shall hold their office until the first Monday of November next; and in case the said number of four thousand shares should not be subscribed for, in the books directed by this act to be opened by the commissioners as aforesaid, within the time aforesaid, then subscriptions shall be opened and kept open, under the directions of the said commissioners, at such times and places as they shall think proper, until the whole number of shares shall be subscribed.

V. *And be it further enacted*, That in case it should at any time happen that an election of directors should not be made on the day prescribed by this act, the corporation for that cause shall not be deemed to be dissolved, but that it shall and may be lawful on any other day to hold and make an election of directors, according to the by-laws and regulations of said corporation.

VI. *And be it further enacted*, That the directors for the time being, or a majority of them, shall have full power to make and prescribe such by-laws, orders, rules and regulations as to them shall appear needful, touching the management and disposition of the stock, estate and effects of the said corporation, and the time and manner of the discounts and deposits made in and by the same; the duties and conduct of the officers, clerks and servants employed therein; the election of directors, and all such matters as appertain to the business of a bank, and shall also have power to appoint so many officers, clerks and servants, for carrying on all and singular the said business, with such salaries and allowances as to them shall seem meet: *Provided*, that such by-laws, orders, rules and regulations, be not repugnant to the constitution and the laws of this state or of the United States.

Power of the directors.

VII. *And be it further enacted*, That no transfer of stock shall be valid or effectual, until such transfer shall be registered in a book or books to be kept for that purpose by the directors, and unless the person making the same, shall previously discharge all debts due by him or her to the said corporation, which exceed in amount the residuary stock of such person.

Transfer of stock.

VIII. *And be it further enacted*, That the total amount of debts at any time and in any manner due by the said corporation, over and above the specie then actually deposited in the bank, shall not exceed three times the sum of the capital stock subscribed and actually paid in the bank; and in case of any excess, the directors under whose administration the same may have happened, excepting those who dissented therefrom, or were not present when the same did happen, shall in their individual and private capacity be liable for such excess, and the estate of the said corporation shall be liable.

Account of debts.

IX. *And be it further enacted*, That the bills obligatory and of credit, under the seal of the said corporation, which shall be made to any person or persons, shall be assigned by endorsement thereon, under the hand or hands of such persons, his or their assignee or assignees, and so as absolutely to transfer and vest the property thereof in each and every assignee or assignees respectively, and to enable such assignee or assignees to bring and maintain an action thereupon in his or their name; and bills or notes which may be issued by order of said corporation, promising the payment of money to any person or persons, by his, her or their order, or to bearer, though not under the seal of the said corporation, shall be binding and obligatory upon the same, in like manner, and with like force and effect, as upon any private person or persons, if issued by him, her or them, in his, her or their private capacity or capacities, and shall be assignable or negotiable, in like manner as if they were issued by such private person or persons.

Liability of corporation.

X. *And be it further enacted*, That if at any time after the passing of this act, the said president, directors and company should refuse, on demand being made at their banking house during the regular hours of doing business, to redeem in specie or other lawful money of the United States, their said bills, notes or other evidences

Penalty for not redeeming its bills, &c.

ces of debt issued by the said company, the said president, directors and company shall, on pain of forfeiture of their charter, wholly discontinue and close their said banking operations, either by way of discount or otherwise, until such time as the said president, directors and company shall resume the redemption of their bills, notes or other evidences of debt, in specie or other lawful money of the United States; and the said bank shall be liable to pay for all notes, bills or evidences of debt due from them, which shall have been so demanded, and which shall not have been paid in specie as aforesaid, damages at and after the rate of ten per centum per annum until the same shall be paid or otherwise satisfied.

Calls on
shares.

XI. *And be it further enacted*, That it shall be lawful for the directors for the time being, to call for and demand of the stockholders respectively, all such sums of money by them subscribed or to be subscribed, at such times and in such proportions as they shall see fit, under pain of forfeiture of their shares and all previous payments made thereon to the said company: always however giving sixty days previous notice of such call and demand in one or more of the newspapers printed and published in the county of Otsego.

Dividends.

XII. *And be it further enacted*, That it shall be the duty of the directors to make half yearly dividends of so much of the surplus profits of the said bank, as they or a majority of them shall deem advisable, and that the said corporation shall not demand any greater interest on a loan or discount for a time not exceeding sixty days, than at and after the rate of six per centum per annum.

Non-user.

XIII. *And be it further enacted*, That the present act of incorporation shall not be deemed to be forfeited by any non-user whatsoever, at any time before the first day of May, in the year one thousand eight hundred and nineteen; and it shall and may be lawful for the stockholders above mentioned, to assemble for the purpose of carrying the same into effect, any want of notice in the manner above prescribed to the contrary in any wise notwithstanding.

Annual re-
port requir-
ed.

XIV. *And be it further enacted*, That it shall be the duty of the president and cashier of the said bank for the time being, to make a return under oath to the comptroller of this state annually, on the first Tuesday of January in every year, after the said bank goes into operation, which return shall contain a full and true account of the funds and property of the said bank, the amount of its capital stock subscribed and paid, the amount of debts due to and from the said bank, the amount of bills and notes emitted by the said bank in circulation, and the amount of specie in the said bank, at the time of making such return; and in case the president and cashier shall refuse or neglect to make such return as aforesaid, within thirty days after the time above specified as aforesaid, the legislature may at any time thereafter in their discretion dissolve the said corporation.

Public act.

XV. *And be it further enacted*, That this act shall be deemed a public act, and shall be benignly and favorably construed, for all the purposes therein expressed and declared, in all courts and places whatsoever.

CHAP. CCXXXIX.

AN ACT *relative to the acts for giving relief in cases of insolvency.*

Passed April 21, 1818.

Be it enacted by the people of the state of New-York, represented in senate and assembly, That the act, entitled "an act to amend an act, entitled an act for giving relief in cases of insolvency," passed March sixth. 1818, shall be so construed as not to affect or change in any respect the operation of the acts thereby amended, so far as it relates to any application which might have been pending for relief under the acts so amended on the said sixth day of March, 1818.

CHAP. CCXL.

AN ACT *ordering the payment of the expenses of the convicts confined in the goals of part of the counties in this state.*

Passed April 21, 1818.

WHEREAS, by the act, entitled "an act to amend an act concerning the state prison," passed April 15th, 1817, the counties of Oswego, Oneida, Madison, Chenango and Broome, and all the counties west of them in this state, were required to retain and keep in their said county goals, all male convicts adjudged to be confined at hard labor in the state prison, until the commissioners for building the state prison at Auburn, should give an order for their removal to that prison: *And whereas*, considerable expense for boarding, clothing and medical aid has been necessarily incurred by the aforesaid counties: *And whereas*, it is just and proper that such expense should be borne by the whole state: Therefore,

Be it enacted by the people of the state of New-York, represented in senate and assembly, That the treasurer, on the warrant of the comptroller, pay to the treasurers of the several counties in this state, all such sums of money as may be due their respective counties, and have heretofore been audited by their supervisors, for the maintaining of convicts which were detained in the goals of the said counties, by virtue of the tenth section of the above recited act.

CHAP. CCXLI.

AN ACT *to open and improve a road in the counties of Cayuga, Seneca and Ontario.*

Passed April 21, 1818.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly,* That Jacob W. Hallett, Enoch

Preamble.

Treasurer to pay certain moneys,

Commissioners appointed,

Morse, Jarvis Mudge, Abner Hollister and Gavin L. Nicholas, be and they are hereby appointed commissioners to lay out and improve a road from the termination of the Westmoreland and Sodus Bay turnpike, in the town of Cato, in the county of Cayuga, by the most direct and practicable route to some point on Great Sodus Bay, where vessels usually navigating lake Ontario can conveniently come; and thence to the house of Enoch Turner, in the town of Sodus, and county of Ontario.

Assessment
on lands.

II. *And be it further enacted*, That there shall be assessed, paid and collected, for the purpose of opening and making said road, viz: on every acre of land lying within one mile of said road a sum not exceeding twenty cents, nor less than twelve cents; and on every acre of land lying within two miles of said road and more than one mile, a sum not exceeding twelve cents, nor less than eight cents; except the lands belonging to the people of this state, and also all lands within two miles of said road which are intersected by a parallel road heretofore laid out and improved.

Assessment
how made,
&c.

III. *And be it further enacted*, That when the said commissioners, or a majority of them, shall have laid out said road, they shall cause a description of the route of the same to be filed in the offices of the clerks of the several towns through which the said road shall pass, and then proceed to examine and make a fair assessment on the lands herein made subject to the tax aforesaid; which said assessment shall be made in proportion to the value of the land, and to the advantages resulting to the owners thereof, by the establishment of said road: *Provided*, that if the owner of any land which by this act is liable to the tax aforesaid, has heretofore, or shall hereafter, at his own proper cost and expense, make a good and substantial road through his said land, the said commissioners shall examine the same; and if in their opinion the said road, so made as aforesaid, is equally good and durable with the remainder of said road, then and in such case the said commissioners shall exempt the said land from payment of the tax assessed thereon.

Proviso.

Assessments
how collect-
ed.

IV. *And be it further enacted*, That when the said assessment shall be completed, the said commissioners shall cause a copy of the same, duly authenticated, to be filed in the comptrollers office; and after three months notice to be given of the time when the said tax shall be collected, direct the collectors of the different towns through which the said road shall pass to proceed in the collection of the same, and to pay over the sums so collected upon the order of the comptroller to such person as the said commissioners shall designate for that purpose, after deducting the expense of collecting the same; and in default of the payment of the said tax, the same proceedings shall be had thereon as is required in and by the act for the assessment and collection of other taxes.

Commission-
ers to give
bonds.

V. *And be it further enacted*, That before the said commissioners, or either of them, shall enter on the duties of their office, they shall severally execute a bond to the people of this state, in the sum of two thousand five hundred dollars, conditioned for the faithful performance of the duties enjoined by this act, and the faithful execu-

future of all monies that shall come to their hands by virtue of the same.

VI. *And be it further enacted*, That where the said road shall run through any lands belonging to the people of this state, the said commissioners shall keep an accurate account of the money expended in making that road through said land; and upon proper return thereof to the comptroller of this state the same shall be paid out of the treasury. Assessment through lands of the state how paid for.

VII. *And be it further enacted*, That the said commissioners shall be allowed out of the monies so assessed and collected, two dollars for each day they shall be necessarily employed in the service required herein, together with the expenses for assistants. Allowance to commissioners.

CHAP. CCXLII.

AN ACT to incorporate the Stamford and Middletown turnpike road company.

Passed April 21, 1818.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly*, That Elisha B. Maynard, Harman I. Quackenbush, John Hastings, David Ballentine, John Montgomery, Jonas Moore, and all such other persons as shall associate for the purpose of making a good and sufficient turnpike road, to begin on the east side of the Delaware river near the house of Samuel Sherwood, in the town of Delhi; from thence easterly up the Little Delaware on the most practicable route to the dwelling house of Elisha B. Maynard, in the town of Stamford; and from thence on the most practicable route to the Windham turnpike road, at or near the dwelling house of John T. Moore, in the town of Roxbury, and their successors, shall be and they are hereby created a body corporate and politic, in fact and in name, by the name of the president, directors and company of the Stamford and Middletown turnpike company, and by that name they and their successors shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes, and by the same name and style shall be capable of purchasing, holding and conveying any estate, real and personal, for the use of said corporation: *Provided*, that such estate, as well real as personal, shall be necessary to fulfil the intent of the said corporation, and to no other purpose whatsoever. Corporation created. Style. Provision.

II. *And be it further enacted*, That the stock of the said company hereby incorporated, shall consist of eight hundred shares of twenty-five dollars each; and that Elisha B. Maynard, John Hastings, David Ballentine, John Montgomery, and Jonas Moore, be and they are hereby appointed commissioners, to receive subscriptions for the said stock, in the manner directed in and by the act, enti- Stock.

titled "an act relative to turnpike compapies," passed March 13th, 1807.

Gates.

III. *And be it further enacted*, That the said company hereby incorporated, shall be entitled to erect three gates or turnpikes on the said road, which shall not be less than eight miles apart; and that the chord of the arch of said road shall not be less than twenty feet.

Toll,

IV. *And be it further enacted*, That the company hereby incorporated, shall be entitled to exact and receive at each of the said gates or turnpikes, so to be erected on the said road, the following rates of toll, from all persons travelling and using the same, that is to say: for every score of hogs or sheep, six cents; for every score of horses, cattle or mules, twenty cents; for every chair, sulkey or chaise, drawn by one horse, twelve and an half cents; for every horse and rider, four cents; for every horse led or driven, three cents; for every cart or waggon drawn by one horse, six cents; for every coach, coachee, phaeton or chariot, twenty-five cents; for every stage waggon or other four wheeled carriage, drawn by two horses, mules or oxen, twelve and an half cents, and three cents for every additional horse, mule or ox; for every cart drawn by two oxen, eight cents, and three cents for every additional horse, mule or ox; for every sleigh or sled, six cents, if drawn by two horses, mules or oxen, and in like proportion if drawn by a greater or less number of horses, mules or oxen.

General powers.

V. *And be it further enacted*, That the said company hereby incorporated, shall have and enjoy all the rights, privileges, powers and immunities which are given and granted in and by the aforesaid act, entitled "an act relative to turnpike companies," and shall be subject to all the conditions, provisions, restrictions and regulations contained in said act, excepting as is herein otherwise enacted.

CHAP. CCXLIII.

AN ACT authorising a loan to the president and directors of the Mohawk turnpike company.

Passed April 21, 1818.

5,000 dollars
to be loaned.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly*, That the treasurer of this state pay, on the warrant of the comptroller, to the president and directors of the Mohawk turnpike company, the sum of five thousand dollars, out of any monies in the treasury belonging to the common school fund, and if there should not be sufficient money in the treasury belonging to the common school fund, then out of any monies in the treasury not otherwise appropriated: *Provided*, that a majority of said directors shall, in their individual capacity, previous to receiving the money directed to be paid by virtue of this act, enter into a bond jointly and severally, to the people of the state of New-York, conditioned for the faithful payment of five thousand dollars, in three years from the date of said bond, together with interest annually for the same, at the rate of seven per cent. per annum: *And*

Security for
re-payment.

further, that the said directors shall furnish to the said people, good and sufficient mortgage security upon such unincumbered real estate as the comptroller shall deem sufficient, exclusive of any buildings erected on the same, for securing double the amount of money to be loaned by virtue of this act, with the interest on the same as aforesaid.

11. *And be it further enacted*, That if any part of the said money shall be loaned as aforesaid, out of any monies in the treasury not belonging to the common school fund, that then the whole of the sum so loaned shall be passed to the credit of the common school fund, and so much thereof as shall be so loaned, which shall not belong to the common school fund, shall be passed to the credit of the people of this state, out of the first monies which shall thereafter come into the treasury, belonging to the said common school fund.

Out of what fund to be loaned, and to whose credit to be passed.

CHAP. CCXLIV.

AN ACT authorising the Mayor, Aldermen and commonalty of the city of New-York to take possession of certain lands.

Passed April 21, 1818.

WHEREAS the mayor, aldermen and commonalty of the city of New-York, are desirous of taking possession of certain lands, tenements and hereditaments, situate, lying and being in the ninth ward of the city of New-York, and bounded as follows, to wit: northwesterly by the second avenue, southwesterly by twenty-fourth street, northeasterly by twenty-eighth street, and southeasterly by the lands of the said mayor, aldermen and commonalty, and by the east river, for the purpose of extending the alms house establishment of the said city, Therefore,

1. *Be it enacted by the people of the state of New-York, represented in senate and assembly*, That it shall be lawful for the mayor, aldermen and commonalty of the city of New-York, whenever they shall judge proper, to take possession of all or any part of the above mentioned and described lands, tenements and premises, in the manner prescribed in and by the act, entitled "an act, to vest certain lands in the mayor, aldermen and commonalty of the city of New-York," passed March the twenty-ninth, in the year of our Lord one thousand eight hundred and sixteen: *And further*, that all the provisions of the said act shall have the like force and effect, relative to the above mentioned and described premises, and all persons interested therein, and also upon the said mayor, aldermen and commonalty, which they would have had relative to them, provided the above mentioned and described premises had been particularly mentioned and described in the preamble of the said act; and that on the final confirmation of the report of the commissioners, who may be appointed by the supreme court, in pursuance of the provisions of the said act, and the payment of the sums which may be awarded by them, the said mayor, aldermen and commonalty of the city of New-York shall become, and be seized in fee sim-

ple absolute of the said lands, tenements and premises, or of so much thereof as may be mentioned and described in the said report.

CHAP. CCXLV.

AN ACT to authorise a loan to the supervisors of the county of Washington, and for other purposes.

Passed April 21, 1818.

10000 dollars to be paid to the treasurer of Washington.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly,* That in shall be the duty of the treasurer of the state, on the warrant of the comptroller, to pay to the county treasurer of the county of Washington, the sum of ten thousand dollars, in such proportions as the same shall be demanded from time to time, out of any unappropriated monies in the treasury.

Supervisors to meet and determine how monies shall be distributed for repairing bridges, &c.

II. *And be it further enacted,* That it shall be the duty of the supervisors of the several towns of the county of Washington, to assemble on the second Tuesday of May next, at the court house in the town of Salem, in the said county, and then and there to determine and specify what bridges in the county of Washington, carried off by the flood or freshet, which happened in the late month of March, shall be repaired or rebuilt at the public expence, to specify the amount which shall be appropriated to each particular bridge, and to determine which of the said bridges shall be considered as rebuilt at the county expence, and which at the expence of a particular town or towns; that if in their opinion, or in the opinion of a majority of them, a sum equal to the sum of ten thousand dollars is necessary to be expended, in the rebuilding or repairing of bridges carried off or destroyed as aforesaid, it shall be their duty to direct the treasurer of the county, to call on the treasurer of the state for the said sum of ten thousand dollars, or if in their opinion a lesser sum will meet the exigency, it shall be their duty to specify such sum; that it shall be the further duty of the said supervisors, when so assembled, to appoint as many commissioners as they shall think proper, for the purpose of rebuilding or repairing the said bridges, and to direct the treasurer of the county to pay to the said commissioners, such proportions of the said sum of ten thousand dollars or lesser sum, as they the said supervisors shall direct by the appropriation by them to be made, to be expended on the said bridges, that is to say, to such commissioners as shall be appointed for the rebuilding or repairing of a certain bridge or bridges, such sum as shall be appropriated for the repair or rebuilding of the same, and to specify the allowance *per diem* to each commissioner, who shall be employed in the said business.

The 10,000 dollars to be a debt against the county, and when to be repaid.

III. *And be it further enacted,* That the said sum of ten thousand dollars, or such lesser sum as the said supervisors shall determine to apply for, shall from the time of the receiving of the same by the treasurer of the county, be considered as a debt charged upon the county of Washington, drawing an interest of seven per cent. per

sum, and shall be repaid into the treasury of the state within five years from the day of the passing of this act, in five equal annual installments, with the interest of the same.

IV. *And be it further enacted*, That it shall be the duty of the supervisors of the the several towns in the county of Washington, from time to time, yearly and every year, until the repayment of the said sum with the interest thereof, to cause to be collected in the county of Washington, in the manner now prescribed by the existing laws for the assessment and collection of taxes, one fifth part of the said sum, with the annual interest of the whole, or of as much as shall from time to time be due to the state, determining and specifying what proportions shall be collected from the inhabitants and property in the county generally, and what proportions shall be collected from the inhabitants and property in a particular town or towns, and ordering the same to be collected accordingly.

One fifth to be raised annually.

V. *And be it further enacted*, That the said commissioners so to be appointed, for the repairing and rebuilding of the said bridges, on neglect to account to the supervisors of the county of Washington, for the just and faithful application of the monies entrusted to them, shall individually, or such of them as are in default, be subject to be prosecuted by the attorney general of this state, in any court of record of this state, in the name of the people of this state, and shall be proceeded against in like manner, as is the course of proceedings in actions at law, for money had and received.

Commissioners how to be prosecuted for neglect, &c.

CHAP. CCXLVI.

AN ACT to incorporate the Otego turnpike company.

Passed April 21, 1818.

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly*, That a turnpike company, to be named the Otego turnpike company, shall be and is hereby constituted a body politic and corporate, for the purpose of constructing a turnpike road from the town of New Berlin, in the county of Chenango; to or near the junction of the Otego creek, with the Susquehannah river, thence to the Charlotte river turnpike, at or near the junction of the Susquehannah and Charlotte rivers, thence easterly on the route of the said Charlotte river turnpike, as laid out, in such extent as may be granted by the president and directors of the said Charlotte river turnpike company, to the said Otego turnpike company, in the manner hereinafter mentioned, and thence in the most direct and convenient route to its intersection with the Susquehannah turnpike; that the said Otego turnpike company shall be and is hereby vested with all the powers, privileges, rights and immunities, and subjected to all the duties, pains and penalties, granted to, or enjoined on turnpike companies, in and by the act, entitled "an act relative to turnpike companies," and in and by the act, "concerning turnpike roads."

Corporation created and styled.

Commissioners for receiving subscriptions.

Bridges.

Toll gates.

Toll.

Proviso.

Power of the Charlotte river turnpike.

Stock.

II. *And be it further enacted*, That Paschal Franchot, Charles Knapp, Benajah Davis and Salmon Harrison, shall be and hereby are respectively appointed commissioners, for the purpose of receiving subscriptions for the said turnpike company—that the said company may, whenever the said turnpike shall have been completed between the Unadilla and the Susquehanna rivers, and good and substantial well constructed bridges, of at least the breadth of twenty feet, shall have been constructed across each of the said rivers, erect a half toll gate on each of the said bridges, and one other toll gate in the intermediate space, and such and so many other toll gates on the said turnpike road, as may complete the number to one gate for every ten miles thereof, (exclusive of the gates to be erected on the said toll bridges) whenever the said turnpike road shall have been completed; that the said company shall be authorised to exact and receive at each of the said gates the following tolls, that is to say, for every score of hogs or sheep, eight cents; for every score of cattle, horses or mules, twenty cents; for every chair, sulkey or chaise with one horse, twelve and an half cents; for every horse rode, five cents; for every led or driven horse, three cents; for every chariot, coach, coachee, or phaeton, twenty-five cents; for every cart drawn by one horse, six cents; for every stage, waggon or other four wheeled carriage drawn by two horses, mules or oxen, twelve and a half cents, and three cents for every additional horse, mule or ox; for every cart drawn by two oxen, twelve and a half cents, and three cents for every additional horse, mule or ox; for every sleigh or sled, six cents, if drawn by two horses, mules or oxen, and in like proportion if drawn by a greater or lesser number of horses, mules or oxen: *Provided*, that the whole of the said Otego turnpike road shall be completed within three years from the passing of this act, in default whereof the said turnpike company shall be dissolved, and this act, so far forth as respects the said turnpike road, shall be null.

III. *And be it further enacted*, That it shall be lawful to and for the president and directors of the Charlotte river turnpike company, to grant to the said Otego turnpike company, such part of the route of the Charlotte river turnpike company, and all rights acquired by them in, or respecting the same, on such terms and conditions as may be agreed between the said companies; and from and immediately after making such grant, the part of the Charlotte river turnpike so granted, shall be united with and shall become part of the property of the said Otego turnpike company, and the remainder of the said Charlotte river turnpike, shall continue vested in the last mentioned company, as if this act had never been passed, exempt from any forfeiture for or by means of not completing the said turnpike, if the same shall have been completed within the three years from the passing of this act.

IV. *And be it further enacted*, That the stock of the said company hereby incorporated, shall consist of two thousand shares of twenty five dollars each.

V. *And be it further enacted*, That it shall be lawful for the said company to erect a half toll gate, on each of the aforesaid

bridges across the Unadilla and Susquehannah rivers, as soon as the same or either of them shall be completed, and also to erect a gate of half toll on the said road as soon as ten miles thereof shall be completed, and so for every ten miles of the said road, until the whole shall be completed, and when the same shall be completed, then to receive toll according to the rates prescribed by this act.

Bridges across the Unadilla and Susquehannah rivers, and toll gates, how and when to be erected.

CHAP. CCXLVII.

AN ACT to incorporate the Gardner's Island turnpike company.

Passed April 21, 1818.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly,* That William Thompson, John Bradner, Jesse Wood, Roger Howell and George D. Wickham, and all such persons as shall associate for the purpose of making a good and sufficient turnpike road, to begin at or near the intersection of the Merrett's Island and Great Island turnpike road, on Pine Island; from thence across the Drowned Lands and Pochronk Kill to Gardner's Island; from thence across the said Drowned Lands, by or near the house of Jesse Woods, the most direct and eligible route, to the Jersey line, shall be and they are hereby created a body corporate and politic, in fact and in name, by the name of "The Gardner's Island Turnpike Company;" and by that name they and their successors shall and may have perpetual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and in all manner of actions, suits, complaints and causes whatsoever; and may also make and use a common seal, and alter and change the same at their pleasure; and shall be capable in law of purchasing, holding and conveying any estate, real or personal, to the annual value or income of five thousand dollars: *Provided,* such estate, real or personal, shall be necessary to fulfil the end and intents of this incorporation, and for no other purpose whatsoever.

Corporation created.

Style.

Proviso.

II. *And be it further enacted,* That the stock of the said company hereby incorporated, shall not consist of more than six hundred shares, of twenty-five dollars each; and that John Bradner, Jesse Wood and George D. Wickham be and they are hereby appointed commissioners to receive subscriptions for the said stock, in the manner directed in and by the act entitled "an act relative to turnpike companies," passed March 13th, 1807.

Stock.

III. *And be it further enacted,* That the said company hereby incorporated shall be entitled to exact and receive from every person travelling on the said road, a sum not exceeding the following rates of toll, to wit: For every waggon drawn by two horses, mules or oxen, twelve and an half cents, and three cents for every additional horse, mule or ox; for every coach, coachee, phaeton or carriage, drawn by two horses, twenty-five cents, and three cents for

Toll.

each additional horse; for every sulkey, chair, chaise, or other one-horse pleasure carriage, twelve and an half cents; for every waggon drawn by one horse, eight cents; for every cart drawn by two oxen, twelve and an half cents, and for every additional horse or ox, three cents; for every cart drawn by one horse, six cents; for every horse and rider, or horse driven or led, six cents; for every sleigh or sled drawn by two horses, mules or oxen, eight cents, and for every additional horse, mule or ox, three cents; for every sleigh or sled drawn by one horse or mule, six cents; for every score of horses, cattle or mules, twenty-five cents, and so in proportion for a greater or less number; for every score of sheep or hogs, eight cents, and so in proportion for a greater or less number.

Commuta-
tion of toll.

IV. *And be it further enacted*, That the directors of the said company shall, on application being made to them, commute by the year, with any person or persons who live within one mile of the said road, for passing any of the gates to be erected on the same.

General
powers.

V. *And be it further enacted*. That the said company hereby incorporated, shall have and enjoy all the rights and privileges, powers and immunities, which are given and granted in and by the aforesaid act, entitled "an act relative to turnpike companies," and shall be subject to all the conditions, provisions, restrictions and regulations contained in said act, that are not altered or changed in this act; *Provided however*, that the said company hereby incorporated shall be at liberty to make the chord of the arch of said road not more than twenty-two, nor less than twenty feet in length.

Proviso.

Directors.

VI. *And be it further enacted*, That it shall be lawful for the stockholders of the said company to elect five directors, three of whom shall be a quorum, to transact the business of the said company, any law to the contrary notwithstanding.

CHAP. CCXLVIII.

AN ACT to divide the town of Cincinnatus, in the county of Cortland, into four towns.

Passed April 21, 1818.

Town of
Willow cree-
tal.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly*, That from and after the first day of March, in the year of our Lord eighteen hundred and nineteen, all that part of the town of Cincinnatus, beginning at the southeast corner, and running north as far as the northeast corner of lot number sixty, thence west to the northwest corner of lot number fifty-six, thence south to the southwest corner of lot number ninety six, thence east on the line of said town, to the place of beginning, shall be and is hereby erected into a separate town, by the name of Willett, and that the first town meeting be held at the dwelling house of Benjamin Willous.

Cincinnatus

II. *And be it further enacted*, That all that part of the town of Cincinnatus, beginning at the northeast corner of lot number sixty,

thence north on the east line of said town, to the northeast corner thereof, thence west on the north line of said town to the northwest corner of lot number six, thence south to the south west corner of lot number forty-six, thence east to the place of beginning, shall be and is hereby erected into a separate town by the name of Cincinnati, and that the first town meeting be held at the school house on lot number nineteen.

III. *And be it further enacted,* That all that part of the town of Cincinnati, beginning at the northwest corner of the town, thence east on the north line of said town to the northwest corner of lot number six, thence south to the south west corner of lot number forty-six, thence west to the west line of said town, thence north on the west line of said town to the place of beginning, shall be and is hereby erected into a separate town by the name of Freetown, and that the first town meeting be holden at the dwelling house of Solomon Baker, jun. and all the remaining part of said town of Cincinnati, shall be and remain a separate town by the name of Harrison, and the first town meeting to be held at the dwelling house of Abraham Brink.

Town of
freetown e-
rected.

Harrison.

IV. *And be it further enacted,* That as soon as may be after the first Tuesday of March next, the supervisors and overseers of the poor of the towns aforesaid, shall, by notice given for that purpose by the supervisors thereof, meet together and apportion the money and poor belonging to the town of Cincinnati, previous to the division, agreeable to the last tax list, and that each of the said towns forever thereafter respectively maintain their own poor.

Poor and
money divi-
ded.

V. *And be it further enacted,* That the supervisors and overseers of the poor of the said towns of Willett, Cincinnati, Freetown and Harrison, shall at their said meeting after the first Tuesday of March next, make an equal division of the territory of the gospel and school lot number fifty three, now belonging to the town of Cincinnati, and file a record thereof, signed by a majority of them, with each of the town clerks of said four towns; and they shall also, within thirty days thereafter, cause a notice to be given to each of the settlers or lessees of said lot, to which of the said towns that part of the lot by him or her occupied, may fall by said division, which said settlers or lessees (after notice so given) shall recognize such town as their part of said lot may fall to as aforesaid, as the one entitled to all rents due or to become due thereon, by virtue of any lease or leases of the same, and the said supervisors and overseers of the poor, at their meeting, shall divide all monies and notes that have been received for the rents of the said gospel and school lot, and shall there remain unappropriated, agreeable to the last tax list.

Gospel and
school lot di-
vided.

CHAP. CCXLIX.

AN ACT to incorporate the village of Esperance.

Passed April 21, 1818.

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly,* That the district of country con-

Territory
declared to
be the village
of Espe-
rance.

tained within the following bounds, to wit: beginning at the centre of the Schoharie Creek, where the same is intersected by the south line of lot number thirteen, of the division of a tract of land in the town and county of Schoharie, granted on the thirtieth day of May, in the year of our Lord one thousand seven hundred and sixty-nine, to Jacob H. Ten Eyck and others, and running from thence on the said line south eighty seven degrees west forty eight chains to the north west corner of lot number eleven of said division; thence along the eastern bounds of lot number eleven south three degrees east to the Schoharie creek; thence down the same to the place of beginning, containing about two hundred and thirty-five acres of land, shall hereafter be known and distinguished by the name of the village of Esperance.

Trustees
when and
how to be
chosen.

II. *And be it further enacted*, That all the freeholders and inhabitants, who are qualified to vote at town meetings, and shall reside within the aforesaid limits, may on the first Tuesday of May next, meet at the house of Calvin Wright, in said village, and then and there proceed to choose five persons, each of whom shall be a freeholder in the said village, to be trustees thereof, who when chosen shall possess the several powers and rights herein after specified; and any one or more of the justices of the peace, residing in said village, shall preside at such meeting, and declare the several persons having a majority of votes as duly chosen as trustees; and if no justice of the peace should be present to preside at such meeting, a majority of such freeholders and inhabitants present may choose a chairman to preside at such election, who shall determine what persons are duly chosen trustees.

The village
incorporat-
ed.

Style.

III. *And be it further enacted*, That all the freeholders and inhabitants of the said village, be and they are hereby ordained, constituted and declared to be from time to time, and forever hereafter, a body corporate and politic, in fact and in name, by the name of "the trustees of the village of Esperance," and by that name they and their successors shall and may have perpetual succession, and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, complaints and causes whatever; and that they and their successors may have a common seal, and may change and alter the same at their pleasure.

May pur-
chase land.

IV. *And be it further enacted*, That the said trustees so to be elected on the first Tuesday of May next, and their successors, are hereby authorised and empowered to purchase and hold any lands lying and being within the limits of the said village, to them and their successors forever, to and for the use and benefit of the freeholders and inhabitants of the said village.

Power to
make by-
laws.

V. *And be it further enacted*, That it shall be lawful for the trustees of the said village, or the major, part of them and their successors, to make, ordain, constitute and publish, such prudential by-laws, rules and regulations as they from time to time may deem meet and proper, relative to the streets, alleys and highways of the said village, and draining, filling up, paving and keeping in order

Streets.

and improving the same; relative to nuisances generally; relative to restraining swine or cattle of any kind; relative to the keeping and regulating hay scales: *Provided*, such by-laws be not contrary to, or inconsistent with, the laws of this state, or of the United States; and it shall also be lawful for said trustees to require the householders and occupants of buildings in said village, under suitable penalties, to furnish themselves with fire-buckets and other necessary implements for extinguishing fires, and also to keep the fire places and chimnies clean and in good repair.

Nuisances.
Cattle.
Hay-scales.
Proviso.

Fire buckets.
Chimnies.

VI. *And be it further enacted*, That the said trustees so to be chosen as aforesaid, and their successors, shall and may from time to time, constitute and appoint one fit person to be a common clerk for the said freeholders and inhabitants, whose duty it shall be to record all rules, orders and regulations made by the said freeholders and inhabitants, at their meetings as aforesaid; and to record all rules, orders and regulations which may from time to time be made by the trustees as aforesaid, in a proper book to be by him provided for that purpose; and also to do and perform all such matters and things as the said trustees, or a majority of them, shall from time to time direct and appoint.

Common
clerk and
duties.

VII. *And be it further enacted*, That it shall and may be lawful to and for the said trustees, or the major part of them, to elect, nominate and appoint a sufficient number of firemen willing to accept, not exceeding twenty in number, out of the inhabitants residing in said village, to have the care, management and use of any fire engine or engines which may belong to the said freeholders and inhabitants, and also all the tools and implements for extinguishing fires; and the said trustees, or a major part of them, are hereby authorised and empowered to remove or displace all or any part of the firemen so as aforesaid to be elected, nominated and appointed, when and as often as they shall think fit, and others in their stead to elect, nominate and appoint; and also to make, establish and ordain such rules, orders and regulations, for the government; conduct, duty and behavior of such firemen, as to them shall seem necessary and proper, and to impose such penalties upon the offenders against such rules, orders and regulations, as shall be made pursuant to this or the fifth section of this act, or any or either of them, as the said trustees, or a major part thereof, shall from time to time deem proper, not exceeding five dollars for every offence, to be recovered by the said trustees for the time being in their own names, with costs of suit, for the use of the said freeholders and inhabitants, by an action of debt before any justice of the peace residing in the town of Schoharie.

Firemen to
be appointed.

VIII. *And be it further enacted*, That it shall and may be lawful for the said freeholders and inhabitants, at their annual meeting for electing trustees, by a majority of votes to determine what sum in the aggregate shall be raised, levied and collected from the said freeholders and inhabitants, or any bodies corporate, or other persons owning property, real or personal, within the limits of said village, to enable them to purchase a fire engine or engines, and to make wells and reservoirs of water, to erect a building for the preserva-

Sum to be
raised by tax.

tion of such engine or engines, and the tools and implements for extinguishing fires, to erect and keep in repair said hay scales, and for the improvement of said streets, and to purchase lands on which to erect such engine house, and hay scales; and thereupon the said trustees shall apportion the sum to be raised among the said freeholders and inhabitants, bodies corporate and other persons owning property, real and personal, within the limits of said village, according the value of their houses, buildings and property liable to be destroyed by fire, and to the advantage which each shall be deemed to receive from the improvement or purchase to be made by such money when collected, and shall by their warrant, appoint and authorise some proper person to levy and collect such sum, so apportioned, who shall proceed in like manner in making such collection, as the collectors of the contingent expenses of the county are by law directed to proceed in, and shall in like manner be accountable to the said trustees as the collectors aforesaid are by law made accountable to the treasurers of their respective counties: *Provided always*, that such sum shall not for the first year exceed the sum of four hundred dollars, and for any subsequent year the sum of two hundred and fifty dollars: *And provided further*, that if any person shall deem himself or herself aggrieved by any such apportionment as aforesaid, it shall be lawful for such person to appeal from the determination of such trustees to any three justices of the peace in the said town of Schoharie, giving at least six days notice to the said trustees, or a majority of them, of such appeal, and of the time and place for determining thereon by such justices, who shall hear the same, and do therein what to justice shall appertain; and the decision of such justices, or any two of them, shall be final and conclusive.

Proviso.

Further provision.

Giving right of appeal.

CHAP. CCL.

AN ACT to amend an act, entitled "an act for the relief of Isaac Wobby and Thomas Isaac," passed the 15th of March, 1811.

Passed April 21, 1818.

Be it enacted by the people of the state of New-York, represented in senate and assembly, That it shall and may be lawful for the said Isaac Wobby and Thomas Isaac, respectively, to sell and alien the lands which were confirmed to them by the act aforesaid, and to give, good and sufficient deeds for the same: *Provided*, that no such deed shall be of any validity, unless the same shall be approved of by the superintendants of the Brothertown Indians, or any two of them, and a certificate indorsed thereon, certifying such approbation, and that a full consideration had been paid, or secured to be paid, for the land contained in such deed: *And provided*, nothing in this act shall authorise the said Thomas Isaac to sell or convey two and an half acres on the northwest corner of lot number twenty-four, in Brothertown.

CHAP. CCLI.

AN ACT to amend an act, entitled "an act for the assessment and collection of taxes," passed the 5th day of April, 1813.

Passed April 21, 1818.

Be it enacted by the people of the state of New-York, represented in senate and assembly. That every bond which shall hereafter be executed by the collector, and his sureties, of any town, or in any ward of any city within this state, by virtue of the fifth section of an act, entitled "an act relating to the duties and privileges of towns," passed the nineteenth of March, in the year one thousand eight hundred and thirteen, shall be and hereby is declared to be a lien on all the real estate held and possessed, jointly or severally, by either the collector or his sureties, at the time said bond shall be filed in the clerk's office of the county in which such collector shall reside, and shall be proceeded on accordingly; and such bond shall continue to be such lien till the conditions thereof are fully satisfied, together with all legal costs and charges, which may accrue in prosecuting said bond to judgment and execution, any law to the contrary notwithstanding; and it shall be the duty of the supervisor who shall take said bond, to cause the same to be filed in the clerk's office of the county aforesaid, within six days after the same shall be executed and taken.

Bonds of collectors of taxes declared a lien on the lands of principals and sureties.

CHAP. CCLII.

AN ACT for the preservation of heath-hens, partridge, quail and woodcock.

Passed April 21, 1818.

I. Be it enacted by the people of the state of New-York, represented in senate and assembly. That if any person or persons shall kill any heath hens, within the counties of Suffolk or Queens, or shall kill any partridge, quail or woodcock, within the counties of Queens, Kings, Suffolk, or within the city and county of New-York, within the times herein after mentioned that is to say, with respect to heath-hens, between the first day of January and the first Wednesday in October; and with respect to partridge and quail, between the fifth day of January and the twenty-fifth day of September; and with respect to woodcock, between the first day of February and the first day of July, in any year, after the passing of this act (including, nevertheless, the present year) every such person or persons shall, for every such offence, forfeit and pay the following sums, that is to say: for every heath-hen so killed, the sum of twenty-five dollars; for every partridge so killed, as aforesaid, the sum of one dollar; and for every quail or woodcock, the sum of fifty cents, to be recovered, with costs of suit, by any person or persons who shall sue for the same, before any justice of the

Penalties for killing heath hens, &c. in certain towns.

How recovered and paid.

peace, in either of the said counties, who is hereby authorised and directed to hear and determine the same; the one half of which forfeiture, when recovered, shall be paid to the person or persons who shall sue for the same, and the other half to the overseers of the poor, for the use of the poor where the conviction shall be had; and if any heath-hen, partridge, quail or woodcock, so killed as aforesaid, shall be found in the possession of any person or persons, such person or persons shall be deemed guilty of the offence, and suffer the penalty aforesaid: *Provided always*, that no person or persons shall be convicted upon this act, unless the suit shall be commenced within three months after the offence committed.

Proviso.

Former acts repealed.

II. *And be it further enacted*, That all former acts and laws concerning heath hens, partridge, quail or woodcock, shall and are hereby repealed.

CHAP. CCLIII.

AN ACT to incorporate the Bank of Chenango.

Passed April 21, 1818.

Preamble.

WHEREAS Ebenezer Wakley, Joseph S. Fenton, John Randall, jun. Uri Tracy and others, associated under the name and style of "the bank of Chenango," by their petition presented to the legislature, have prayed for the privilege of being incorporated as a company and body corporate: Therefore,

Bank incorporated.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly*, That all such persons as shall be stockholders of said bank, shall be, and hereby are ordained, constituted and declared to be from time to time, and until the first day of January, in the year one thousand eight hundred and thirty four, a body corporate and politic, in fact and in name, by the name of "the president, directors and company of the bank of Chenango," and by that name they and their successors until that day may act and shall have succession, and shall be in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors may have a common seal and may change and alter the same at their pleasure, and also that they and their successors, by the aforesaid name of incorporation, shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of the said corporation: *Provided*, that the real estate which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for its immediate accommodation, in relation to the convenient transaction of its business, or such as shall have been *bona fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts: *And provided*, that the said bank shall be established

Style.

Proviso.

Further proviso.

in the village of Norwich, and that its operations of discount and deposit shall be carried on in the said village of Norwich and not elsewhere : *And provided also*, that it shall not be lawful for the said bank to issue any notes or bills, until an affidavit by the president and cashier of said bank shall have been made and filed in the clerk's office of the county of Chenango, stating that the sum of twelve and a half per cent upon all the stock subscribed, has been actually paid into the said bank by the stockholders in specie; and further, that the said corporation shall not directly or indirectly deal or trade in business, or in buying or selling any stock, created under any act of the United States or this state, or in any goods, wares or merchandise whatsoever, unless where they shall have come to them by way of security for debts due.

Further provisions.

II. *And be it further enacted*, That the capital stock of the said corporation, shall not exceed two hundred thousand dollars, and that a share in said stock shall be fifty dollars.

Capital stock

III. *And be it further enacted*, That the stock, property, affairs and concerns of the said corporation, shall be managed and conducted by thirteen directors, to be appointed and chose in manner hereinafter mentioned, who shall be stockholders and citizens of this state, and shall hold their offices for one year and until others shall be chosen in their places : the annual election for directors shall be held on the first Monday in December in each year, at such time of the day and place in the village of Norwich as a majority of the directors shall appoint, and public notice shall be given not less than thirty days previous to the time of holding said election, in one or more of the public newspapers printed in said county ; the said election shall be made by the stockholders either in person or by proxy ; and all elections for directors shall be by ballot ; such stockholders shall be entitled to a number of votes, which he or she shall have held in his or her name, at least thirty days previous to the time of voting, that is to say, one vote for each and every share, and the thirteen persons who shall have the greatest number of votes as aforesaid, shall be directors ; and if it should happen at any election that two or more persons elected as aforesaid, shall have an equal number of votes, then the directors in office at the time of such election, or a major part of them, shall proceed to ballot, and by plurality of votes determine which of the said persons so having an equal number of votes shall be director or directors, so as to complete the whole number so to be elected ; and the directors, as soon as may be thereafter, shall proceed by ballot to elect one of their number to be their president ; and if any director living in said county, shall move out of the same, his office shall be considered as vacant, and all vacancies in the direction shall be filled for the remainder of the year in which they shall happen, by such person or persons as the remainder of the directors or a majority of them shall appoint.

Directors.

Election.

Voting.

President.

IV. *And be it further enacted*, That Thompson Meade, Charles Knapp, Robert Monell, Samuel Ladd and Samuel Campbell, shall be commissioners, whose duty it shall be on the first Monday in June next, at some proper place in the village of Norwich, to open books to receive subscriptions to the capital stock of said bank, and pub-

Commissioners to receive subscriptions.

Sum to be paid on each share subscribed.

First election

Duration of office.

Election may be held on any other day.

Powers of directors.

Divid.

Transfer of stock.

lic notice shall be given by the said commissioners of the time and place of opening such books, in all the newspapers printed in said county, for at least four weeks; and it shall be the duty of said commissioners to keep said books open for the space of one week (Sunday excepted) from ten to three o'clock on each day, and to receive the subscriptions of all persons inclined to subscribe therein; and the said commissioners shall demand and receive from every subscriber at the time of subscribing one dollar on each share subscribed; and if the number of shares subscribed shall exceed four thousand, the said commissioners shall at their discretion make an equitable apportionment thereof among the respective subscribers, having reference to the amount subscribed by each; and the said commissioners shall be inspectors of the first election of directors, and shall certify under their hands, the names of those duly elected, and deliver over to them the subscription books, together with the deposit money on the stock so subscribed; and the time and place of holding such first election shall be fixed by the said commissioners, and public notice for at least thirty days, of the time and place, shall be given by them as aforesaid; and the directors so chosen shall hold their offices until the first Monday in December next; and in case the said number of four thousand shares should not be subscribed for as aforesaid within the time aforesaid, then subscriptions shall be opened and kept open under the direction of the said commissioners, at such times and places as they shall think proper, until the whole number of shares shall be subscribed:

V. *And be it further enacted*, That in case it should at any time happen that an election of directors should not be made on the day prescribed by this act, the corporation for that cause shall not be deemed to be dissolved, but that it shall and may be lawful on any other day to hold and make an election of directors according to the by-laws and regulations of the said corporation.

VI. *And be it further enacted*, That the directors for the time being, or a majority of them, shall have full power to make and prescribe such by-laws, orders, rules and regulations as to them shall appear useful, touching the management and disposition of the stock, property, estate and effects of the said corporation, and the time and manner of the discounts and deposits made in and by the same, the duties and conduct of the officers, clerks and servants employed therein, the election of directors, and all such matters as appertain to the business of a bank; and shall also have power to appoint so many officers, clerks and servants for carrying on all and singular the said business, and with such salaries and allowances, as to them shall seem meet: *Provided*, that such by-laws and regulations, rules and orders, be not repugnant to the constitution and laws of this state or of the United States.

VII. *And be it further enacted*, That no transfer of stock shall be valid until such transfer shall be registered in a book, to be kept for that purpose by the directors; and unless the person making the same, shall previously discharge all debts due by him or her to the said corporation, which exceed in amount the residuary stock of such person.

VIII. *And be it further enacted,* That the total amount of debts at any time or in any manner due to, the said corporation, over and above the specie there actually deposited in the said bank, shall not exceed three times the sum of the capital stock subscribed and actually paid into the said bank, over and above the specie there actually deposited therein; and in case of any excess, the directors under whose administration the same may have happened, excepting those who dissented therefrom, or were not present when the same did happen, shall in their individual and private capacity be liable for such excess, and the estate of the said corporation shall likewise be liable therefor.

Debts against the bank to be limited.

Excess.

IX. *And be it further enacted,* That the bills obligatory and of credit, under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by endorsement thereon, under the hand or hands of such person or persons, his, her or their assignee or assignees, and so as absolutely to transfer and vest the property thereof in each and every assignee or assignees respectively, and to enable such assignee or assignees to bring and maintain an action thereupon, in his, her or their own name or names; and bills or notes which may be issued by order of the said corporation, promising the payment of money to any person or persons, his, her or their order, or to bearer, though not under the seal of the said corporation, shall be binding and obligatory upon the same, in like manner and with like force and effect as upon any private person or persons, if issued by him, her or their private capacity or capacities, and shall be assignable or negotiable in like manner as if they were so issued by such private person or persons.

Bills and notes, &c. how issued and their effect and operation.

X. *And be it further enacted,* That if at any time after the passing of this act, the said president, directors and company shall refuse, on demand being made at their banking house, during the regular hours of doing business, to redeem in specie or other lawful money of the United States, their said bills, notes or other evidences of debt issued by the said company, the said president, directors, and company shall, on pain of forfeiture of their charter, wholly discontinue their business by way of discount, and close their banking operations, until such time as they shall resume the payment of specie; and they shall pay an interest on all sums demanded, and not paid in specie on demand, at the rate of fourteen per cent. per annum, until the same shall be paid or tendered to be paid in specie at their banking house; and in case the president, directors and company shall not within sixty days after such demand, and non-payment, pay the same with the interest aforesaid, or make tender thereof in specie at their banking house, their charter shall from thence be null and void, except for the purpose of doing and settling their concerns.

Liability of bank if it should refuse to redeem its bills.

Charter when void.

XI. *And be it further enacted,* That it shall and may be lawful for the directors for the time being, to call and demand of the stockholders respectively, all such sums of money by them subscribed or to be subscribed, at such times and in such proportions as to them shall seem fit, under pain of forfeiture of their shares, and all previous payments made thereon to the said company, always however

Calls on the stock.

giving sixty days previous notice of such call and demand, in one or more of the newspapers published as aforesaid.

Dividends.

XII. *And be it further enacted*, That it shall be the duty of the directors, to make half yearly dividends of so much of the surplus of the said bank as they or a majority of them shall deem advisable, and that the said corporation shall not demand any greater interest on a loan or discount, not exceeding sixty days, than at the rate of six per centum per annum.

How used by a certain day not to dissolve corporation.

XIII. *And be it further enacted*, That this act of incorporation shall in no wise be forfeited by any non-use whatsoever before the first day of January, one thousand eight hundred and nineteen; and it shall be lawful on that day for the stockholders above mentioned, to assemble, for the purpose of carrying the same into effect, any want of notice, in the manner above prescribed, to the contrary notwithstanding.

Officers, &c. of the bank prohibited from dealing in the purchase of notes, &c.

XIV. *And be it further enacted*, That it shall not be lawful for any officer, agent or servant of said bank, to deal in the purchasing of promissory notes, bonds or bills, at and for a less sum than appears upon the face thereof to be due and payable; and that any officer, agent or servant of said bank, who shall directly or indirectly deal in the purchasing of such notes, bonds or bills, at a less sum than appears by the face thereof to be due and payable, shall be deemed to be guilty of a misdemeanor, and on conviction thereof shall be punished by fine or imprisonment, or both, at the discretion of the court who shall try the same; *Provided*, that such fine shall not exceed five hundred dollars, and that such imprisonment shall not exceed one year.

Proviso.

Bank not to loan brokers, &c. any money.

XV. *And be it further enacted*, That if a broker or other person shall deal in the purchasing of promissory notes, bonds or bills, other than notes or bills issued by some corporation or bank, at less than the face thereof, or sum that by the same appears to be due thereon, and the purchase of such notes, bonds or bills, except as aforesaid, shall be proved to the said president and directors, by the oath or affidavit of one or more credible persons, it shall not be lawful for the said president and directors, ever thereafter, in any way or manner whatever, to loan to such broker or other person, so dealing as aforesaid, or to any other person, for such broker or other person's use, knowing the same to be for such use, any sum or sums of money whatsoever; and that every director who shall vote for the loan of any sum or sums of money to such broker or person dealing as aforesaid, or for his or their use, knowing the same to be for his or their use, after such proof as aforesaid, shall forfeit and pay, to any person who will sue therefor, the sum of two hundred dollars, to be recovered in any court having cognizance of the same, to the use of the person who shall sue for the same; and that no notary public shall be a director of said bank.

Penalty.

Only one suit and one bill of costs allowed against all the parties to a note, &c.

XVI. *And be it further enacted*, That all the parties, whether makers, obligors, drawers, endorsers or guarantees, of any note, bond or bill discounted at said bank, or pledged for money due to the same, are hereby declared to be joint makers, obligors or drawers, and as such, shall and may be sued, declared against and prosecuted to

judgment and to execution, jointly, any matter of form or practice in courts heretofore in use, to the contrary notwithstanding, so that no more than one bill of costs shall be charged upon one note, bond or bill discounted at said bank: *Provided*, that nothing in this section contained shall alter, or in any way affect the legal liabilities of the parties, or any of them, and any fair and bona fide holder of the same, other than the said corporation. Provisd.

XVII. *And be it further enacted*, That the said corporation shall, on pain of forfeiture of their charter, receive all sum or sums of money not less than five dollars, nor more than three thousand dollars from any one person, company or association, and that the said corporation shall pay to every person, company or association, who shall make any deposit as aforesaid, on sums that shall remain in deposit one month, at and after the rate of two per cent per annum; on sums that shall remain in deposit two months, at and after the rate of three per cent. per annum; on sums that shall remain in deposit three months, at and after the rate of four per cent. per annum, and on sums that shall remain in deposit for a greater number of months than three, at and after the rate of five per cent. per annum, but no fractions or parts of months shall be computed; and that the same corporation shall, on pain aforesaid, pay to every person, company or association who shall have deposited any sum of money as aforesaid, such sum, together with the interest as aforesaid, on demand. Interest allowed on certain deposits.

XVIII. *And be it further enacted*, That it shall be the duty of the president and cashier of said bank, to make a return, upon oath, to the legislature of this state, once in each year, if required by the senate or assembly, which return shall contain a full and true account of the funds and property of the said bank, the amount of its capital stock subscribed and paid, the amount of the debts due to and from the said bank, the amount of the notes and bills emitted by the said bank in circulation, and the amount of specie in said bank, at the time of making such return; and in case the said president and cashier shall refuse or neglect to make such return as aforesaid, within thirty days after the same shall have been required as aforesaid, the legislature may at any time thereafter, in their discretion, dissolve the said incorporation. Bank to make an annual return to the legislature, on oath.

XIX. *And be it further enacted*, That this act shall be deemed a public act, and shall be benignly and favorably construed for all the purposes therein expressed and declared, in all courts and places whatsoever. Declared a public act.

CHAP. CCLIV.

AN ACT for the relief of the trustees of the Presbyterian church in the village of Geneva, in the county of Ontario.

Passed April 21, 1818.

WHEREAS it has been represented, that the corporation of the Presbyterian church in the village of Geneva, has been dissolved, in Provisd.

consequence of neglecting to elect trustees on the day appointed by law: Therefore,

Corporation
revived.

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly,* That the corporation of the Presbyterian church in the village of Geneva, in the county of Ontario, shall be and is hereby restored to all the rights, powers, privileges and immunities, and made subject to all the restrictions, rules and regulations, contained in the act, "to provide for the incorporation of religious societies," and that all grants made to, and all contracts made by and with said corporation, shall in every respect be as valid as if the said corporation had in all things complied with the provisions of said act.

Former act
repealed.

II. *And be it further enacted,* That the act, entitled "an act for the relief of the trustees of the Presbyterian church in the village of Geneva, in the county of Ontario," be and the same is hereby repealed.

CHAP. CCLV.

AN ACT authorising and directing the justices of the supreme court to appoint a circuit court and court of oyer and terminer, to be held in and for the county of Chautauque, and for other purposes.

Passed April 21, 1818.

Circuit court
in Chau-
taque.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly,* That it shall be lawful, and the duty of the justices of the supreme court, to direct a circuit court and court of oyer and terminer, to be held in and for the county of Chautauque, during the vacation between the next terms of May and August of the said supreme court.

Mayor of
Schenectady
ex-officio
judge of oyer
and terminer,
common
pleas and
sessions.

II. *And be it further enacted,* That the mayor of the city of Schenectady, for the time being, and being of the degree of counsellor at law of the supreme court of the state of New-York, shall ex-officio be a judge of the court of oyer and terminer and general sessions of the peace, and a judge of the court of common pleas of the county of Schenectaday, and that he shall have and execute the powers delegated to the first judge of said county.

CHAP. CCLVI.

AN ACT to incorporate the president, directors and company of the Franklin Bank, of the city of New-York.

Passed April 21, 1818.

Preamble.

WHEREAS Noah Brown and others, associated as a company, under the style of the "Franklin Bank of the city of New-York," by their petition presented to the legislature, have prayed for the privilege of being incorporated, the better to enable them to carry on the purposes of their institution—Therefore,

I. *Be it enacted by the People of the State of New York, represented in senate and assembly,* That all such persons as now are, or hereafter shall become stockholders of the said company, shall be and hereby are ordained, constituted and declared to be, from time to time, and until the first day of July, in the year of our Lord one thousand eight hundred and thirty two, a body corporate and politic, in fact and in name, by the name of "the president, directors and company of the Franklin bank of the city of New-York" and by that name, they and their successors, until that day, shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters and causes whatsoever: And that they and their successors may have a common seal, and may change and alter the same at their pleasure: and also, that they and their successors, by the same name of "the president, directors and company of the Franklin bank of the city of New-York," shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of the said corporation: *Provided*, that the real estate which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for its immediate accommodation, in relation to the convenient transaction of its business, or such as shall have been *bona fide* mortgaged to it by way of security, for loans, or contracts, made or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments, which shall have been obtained for such debts: *And provided further*, that the said corporation shall not directly or indirectly deal or trade in buying or selling any goods, wares or merchandizes, or commodities whatsoever, or in buying or selling any stock created under any act of the United States, or of this state, unless in selling the same, when truly pledged by way of security, for debts due to the said corporation.

Bank incorporated.

Style.

Proviso.

Further proviso.

II. *And be it further enacted,* That the capital stock of the said corporation shall be five hundred thousand dollars, and that a share in the stock shall be fifty dollars, and that subscriptions to the said capital stock shall be opened under the direction of Noah Brown, Robert Bogardus and Sylvanus Miller, in the city of New York, on the first Monday of July in this same year, and shall be kept open until the whole sum of five hundred thousand dollars shall be subscribed.

Capital stock

Commissioners.

III. *And be it further enacted,* That the stock, property, affairs and concerns of the said corporation, shall be managed and conducted by thirteen directors, being stockholders, and citizens of this state; which directors shall hold their offices from the first day of July in every year, and shall be elected on the first Monday of June in every year, at such time of the day, and at such place within the city of New-York, as a majority of the said directors for the time being shall appoint; and public notice shall be given by the said directors, not less than fourteen days previous to the time of holding the said election, by an advertisement to be insert-

Directors

Elections.

ed in at least two of the public newspapers printed in the city of New-York; and the said election shall be made by such of the stockholders of the said corporation as shall attend for that purpose, either in person or by proxy: and all elections for the directors shall be by ballot; and the thirteen persons who shall have the greatest number of votes shall be directors; and if it should happen at any election that two or more persons should have an equal number of votes, then the said directors in office at the time of such election, or a major part of them, shall proceed by ballot, and by plurality of votes determine which of the said persons so having an equal number of votes shall be the director or directors so as to complete the whole number; and the directors elected, as soon as may be thereafter, shall proceed in like manner to elect one of their number, by ballot, who shall be their president: and if any director shall remove out of this state, or cease to be a stockholder, his office shall be considered as vacant; and whenever any vacancy or vacancies shall happen among the directors, by death, resignation, removal, or otherwise, such vacancy or vacancies shall be filled for the remainder of the year in which they shall happen, by such person or persons as the remainder of the directors for the time being, or a major of them, shall appoint: and that Noah Brown, Robert Bogardus, George Buckmaster, James L. Bell, Samuel Leggett, Daniel Winship, Samuel M'Coon, Garret Furman, Joshua Secor, William Couch and Sylvanus Miller, together with such other two persons as the person administering the government of this state, by and with the advice and consent of the honorable the council of appointment, may appoint, shall be the present directors, and shall hold their offices respectively until the first Monday of July, which will be in the year of our Lord one thousand eight hundred and nineteen.

Vacancies.

First directors.

Non-user, &c. but to dissolve corporation.

IV. *And be it further enacted*, That in case it should at any time happen that an election of directors should not be made on any day when pursuant to this act it ought to have been made, the said corporation shall not for that cause, or for any non-user, be deemed to be dissolved, but that it shall and may be lawful on any other day to hold an election for directors, in such manner as shall be provided by the laws and ordinances of the said corporation.

Power of directors.

V. *And be it further enacted*, That the directors for the time being, or a majority of them, shall have power to make and prescribe such by laws, rules and regulations as to them shall appear needful and proper, touching the government of the said corporation; the management and disposition of the stock, business, property, estate and effects of the said corporation; the time, manner and terms at and upon which discounts and deposits shall be made and received in and by the same; the duties and conduct of the officers, clerks and servants employed therein; the election of directors, and all such other matters as may appertain to the concerns of the institution: and shall also have power to appoint so many officers, clerks and servants for carrying on the said business, and with such salaries and allowances, as them shall seem meet: *Provided*, that such by-

laws, rules and regulations be not repugnant to the constitution and laws of the United States or of this state.

VI. *And be it further enacted*, That no transfer of stock of the said company shall be valid or effectual, until such transfer shall be entered or registered in a book or books to be kept for that purpose by the directors, and that the total amount of the debts which the said corporation shall at any time owe, whether by bond, bill, note or other contract, over and above the actual deposits in said bank, shall not exceed three times the sum of the capital stock subscribed and actually paid in the said bank; and in case of such excess, the directors under whose administration it shall happen, shall be liable for the same in their separate and private capacities; but this shall not be construed to exempt the said corporation, or any estate, real or personal, which they may hold as a body corporate, from also being liable for, and chargeable with such excess; but such directors who shall have been absent when the said excess was contracted, or who may have dissented from the resolution or act whereby the same was contracted, shall not be liable.

Transfer of stock.

Debts against the bank limited.

VII. *And be it further enacted*, That the bills obligatory and of credit, under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by endorsement thereupon, under the hand or hands of such person or persons, his, her or their assignee or assignees, and so as absolutely to transfer and vest the property thereof in each and every assignee and assignees respectively, and to enable such assignee or assignees to bring and maintain an action thereupon, in his, her or their own name or names; and bills or notes which may be issued by order of the said corporation, promising the payment of money to any person or persons, his, her or their order or to bearer, though not under the seal of the said corporation, shall be binding and obligatory upon the same, in like manner, and with like force and effect, as upon any private person or persons, if issued by him, her or them, in his, her or their private or natural capacity or capacities, and shall be assignable and negotiable in like manner as if they were so issued by such private person or persons.

Bills and notes, &c. operation and effect thereof.

VIII. *And be it further enacted*, That from and after the time that the whole amount of the stock of the said bank shall have been subscribed, it shall be lawful for the directors for the time being to call and demand of the stockholders or subscribers respectively, all such sums of money by them subscribed or to be subscribed, at such times, and in such proportions, as they shall see fit, under pain of forfeiture of their shares and all previous payments thereon to the said corporation: always, however, giving at least forty days previous notice of such call and demand, in two or more of the public newspapers published in the city of New-York; and that each stockholder shall be entitled to one vote on each share of the said stock which he shall have held in his own name, at least fourteen days previous to the time of voting.

Calls on stock.

IX. *And be it further enacted*, That it shall be the duty of the directors to make half yearly dividends of so much of the profits of the said bank as they or a majority of them shall deem advisable;

Dividends.

and that the said corporation shall not demand any greater interest on a loan or discount for a term not exceeding sixty days, than at the rate of six per centum per annum.

Public act.

X. *And be it further enacted*, That this act shall be deemed a public act, and shall be benignly and favorably construed for all the purposes therein expressed and declared, in all courts and places whatsoever.

Banking house located.

XI. *And be it further enacted*, That the banking house of this incorporation shall be located at the north east of Beekman street, in the city of New York.

Penalty for not redeeming its bills in specie.

XII. *And be it further enacted*, That if at any time after the passing of this act, the said president, directors and company should refuse, on demand being made at their banking house during the regular hours of doing business, to redeem in specie or other lawful money of the United States, their said bills, notes or other evidences of debt issued by the said company, the said president, directors and company shall, on pain of forfeiture of their charter, wholly discontinue and close their said banking operations, either by way of discount or otherwise, until such time as the said president, directors and company shall resume the redemption of their said bills, notes or other evidences of debt in specie or other lawful coin of the United States, and the said bank shall be liable to pay to the holder or holders of all such notes and bills, the payment whereof has been refused or delayed upon demand as aforesaid, damages for the non-payment thereof, at and after the rate of ten per centum per annum, until the same shall be paid as aforesaid or otherwise satisfied; and in case the said president, directors and company shall at any time hereafter offend against either of the provisions of this act, it shall be the duty of the Attorney General of this state, by information or otherwise, to prosecute said company for such offence, and on conviction thereof, their said charter shall be deemed void.

Annual return to the legislature required.

XIII. *And be it further enacted*, That it shall be the duty of the president and cashier of the said bank for the time being to make a return under oath to the legislature of this state, once in each year if required either by the Senate or Assembly, which return shall contain a full and true account of the funds and property of the said bank, the amount of the capital stock subscribed and paid, the amount of the debts due to and from the said bank, the amount of the bills and notes emitted by the said bank in circulation, and the amount of specie in the said bank at the time of making such return. And in case the said president and cashier shall refuse or neglect to make such return as aforesaid, within thirty days after the same shall have been required as aforesaid, the legislature may at any time thereafter, in their discretion, dissolve the said incorporation.

Affidavit required of president and cashier.

XIV. *And be it further enacted*, That it shall not be lawful for the said bank to issue any notes or bills until an affidavit, by the president and cashier of said bank, shall have been made and filed in the clerk's office of the city and county of New-York, stating that the sum of twelve and an half per cent upon each share of the capital stock of said bank has been actually paid into the said bank by the several stockholders, in specie.

CHAP. CCLVII.

AN ACT authorising the comptroller to loan a certain sum of money out of the school fund to James B. Mower.

Passed April 21, 1818.

Be it enacted by the people of the state of New-York, represented in senate and assembly, That the comptroller be and he hereby is authorised, to loan out of the surplus school fund not otherwise disposed of, a sum not exceeding six thousand dollars, to James B. Mower, to enable him to erect suitable works for manufacturing iron within this state, slitting and rolling the same, and cutting nails, tacks and brads by water: *Provided,* that the said loan shall not be made until the same shall be secured to the people of this state, by a sufficient bond, conditioned for the annual payment of the interest thereof, at the rate of seven per centum per annum, and the repayment of the principal in three years, nor until the said payment shall be further secured by mortgage on unincumbered real estate, within this state, of double the value of the amount so loaned, exclusive of any buildings thereon, to be approved of by the comptroller: *And further,* that the form of said bond and mortgage shall be prescribed, and the title examined and approved of, by the attorney-general: *And further,* the said James B. Mower, shall enter into a bond to the people of this state, himself in the sum of five thousand dollars, with two sureties in the sum of two thousand five hundred dollars each, to be approved of by the comptroller, conditioned that the said loan of six thousand dollars shall be appropriated solely to the objects contemplated in this act.

CHAP. CCLVIII.

AN ACT further to amend an act, entitled "an act for giving relief in cases of insolvency."

Passed April 21, 1818.

I. Be it enacted by the people of the state of New-York, represented in senate and assembly, That in all cases of applications for relief, in behalf of creditors of imprisoned debtors, wherein the first judge of any county where such debtor is or may be imprisoned, shall be interested as creditor or otherwise, it may be lawful for such application to be made before the chancellor, justices of the supreme court, or any recorder or commissioner now authorised by law to receive applications from creditors in the several counties where such debtors are confined, notwithstanding the chancellor, such judge, recorder or commissioner shall not reside in the county where such debtor is imprisoned, any law heretofore enacted to the contrary notwithstanding.

Insolvent in certain cases may apply to the chancellor, &c.

II. And be it further enacted, That in the cases above provided for, it shall be lawful for the debtor to verify his inventory and ac-

Inventory how to be verified.

count, by affidavit to be made before any commissioner or other officer authorised to take affidavits, to be read in the supreme court of this state : *Provided nevertheless*, that if such debtor or his creditor, shall desire his personal attendance before the chancellor, justice of the supreme court, recorder or commissioner, either the said debtor or prosecuting creditor shall be entitled to a writ of *habeas corpus* (which such officer is hereby authorised and required to allow) to bring such imprisoned debtor before said officer, that he may be personally examined in relation to his estate and effects.

CHAP. CCLIX.

AN ACT to prevent abuses in the practice of the law, and to regulate costs in certain cases.

Passed April 21, 1818.

Attorneys & counsellors prohibited from buying bonds, &c. for prosecution and from lending money thereon.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly*, That no attorney or counsellor at law of any court of record in this state, shall directly or indirectly buy, or be in any way or manner interested in buying any bond, bill, promissory note, bill of exchange, book debt or other chose in action; nor shall any such attorney or counsellor, by himself or by or in the name of any other person, either before or after suit brought, lend or advance, or agree to lend or advance, or procure to be lent or advanced, any money to any person in consideration of, or as an inducement to the placing or having placed in the hands of such attorney or counsellor, or in the hands of any other person, any debt, demand or chose in action against any other person for collection; and every such attorney or counsellor offending in the premises, shall be deemed guilty of a high misdemeanor, and on conviction thereof, shall be struck from the roll of attorneys or counsellors, or both, as the case may be, in the several courts wherein he is licensed; and shall moreover be subject to fine and imprisonment, or either, as the court before which such conviction shall be had, shall in their discretion think proper and adjudge: *Provided always*, that nothing herein contained shall be construed to prohibit the receiving in payment, by any attorney or counsellor, any bond, bill, promissory note, bill of exchange, book debt, or other chose in action, for estate real or personal, or for services actual rendered, or for a debt antecedently contracted, or from buying or receiving any bill of exchange, draft or other chose in action, for the purpose of remittance, and without any intent to evade or violate this act.

Penalty.

Proviso.

Defendant may plead that such bond, &c. was purchased in order to prosecute, and who may be examined as witnesses thereon.

II. *And be it further enacted*, That it shall be lawful for any defendant, in any suit brought on any bond, bill, promissory note, bill of exchange, book debt, or other chose in action, in addition to his plea and notice, under the existing laws of this state, to state and set forth, that on the trial of the cause it is his intention to insist and give evidence, that such bond, bill, promissory note, bill of exchange, book debt, or other chose in action, hath been bought and sold, or received for prosecution, contrary to the provisions of this

act, without setting forth any other particulars ; and on the trial of such cause, if the defendant shall request it, the plaintiff or plaintiffs, and his or their attorney or counsel, or any other person who may be interested in the recovery in such cause, shall and may be examined on oath, touching the same ; and if the party plaintiff, his or their attorney or counsel, or any other person interested in the recovery of such suit, shall refuse to answer, on oath, such questions as shall be pertinent, and tend to shew a violation of this act, or, if on such examination, it shall appear, that any such chose in action hath been bought or procured contrary to the true intent and meaning of this act, the plaintiff shall thereupon be non-suited : *Provided always*, that any evidence derived from the examination of any such attorney or counsellor, shall not be admitted in proof on any criminal prosecution against such attorney or counsellor, for a violation of the provisions of this act : *And provided also*, that in all cases where the defendant shall intend to examine the plaintiff as a witness under and by virtue of this act, and when such plaintiff shall reside within this state, he shall apply to a judge of the court wherein such cause shall be depending, or to a recorder or commissioner, as the case may be, for an order that the said plaintiff attend the trial of the said cause to be examined as aforesaid ; which order shall be granted on an affidavit of the defendant, that he believes he has a defence under this act, and can make out such a defence by the plaintiff on his examination ; and in case such plaintiff shall not attend as aforesaid, he shall be non-suited on said trial, in case due proof be made of the service of said order, unless such failure to attend shall be satisfactorily accounted for by the plaintiff ; and in case such plaintiff shall attend in pursuance of such order, he shall be entitled to receive from the defendant the same fees as are by law allowed to witnesses in like cases.

Proviso.

Further proviso.

III. *And be it further enacted*, That if any plaintiff, attorney or counsellor, or other witness, shall on such examination as aforesaid, wilfully swear falsely, then he or they shall incur and be subject to the pains, penalties and punishment provided by law for wilful and corrupt perjury.

Swearing falsely declared perjury.

IV. *And be it further enacted*, That the practice of making up issue rolls preparatory to a trial, be and the same is hereby abolished ; and that hereafter no more than one *nisi prius* roll shall be allowed in the taxation of costs ; and in case a cause noticed for trial at any circuit court or sittings, shall not be tried, the clerk of the circuit or sitting, shall, on request of the plaintiff's attorney, redeliver to him such *nisi prius* record, and the same may be used from time, until the trial of the cause.

Issue rolls abolished, only one nisi prius record taxable.

V. *And be it further enacted*, That it shall not be lawful to tax or have taxed in any bill of costs, the recognizance roll, except in suits against the bail or manucaptors, nor any prospective costs, except for filing the roll, docketing the judgment and the execution ; but in case any suit is settled, or any judgment is paid before execution shall be delivered to the sheriff, then there shall be a deduction therefor from such bill of costs ; and in all cases wherein a suit shall be settled, or the amount thereof paid, it shall not be lawful to

Recognizance roll when taxable, prospective costs in certain cases disallowed.

Costs on settlement regulated.

exact or receive any costs for prospective services, or for services not done at the time of such settlement or payment.

Costs how
taxed in sev-
eral suits
against mak-
er, endorser,
&c. of a note
or bill.

VI. *And be it further enacted*, That in several suits on the same instrument or note, and in suits against the maker and endorsers of a note, and in suits on bills of exchange against the drawer, acceptor or endorsers, there shall be a taxation and recovery of full costs as against the party defendant, in one suit only, at the election of the party plaintiff, and in the other suits on the same instrument, note or bill of exchange, the party plaintiff shall not have taxed or be allowed any costs excepting for actual disbursements now taxable by law.

Suits when
to be consol-
idated.

VII. *And be it further enacted*, That whenever several suits shall be brought and prosecuted, and are at the same time pending by the same plaintiff against the same defendant, for causes of action which by law may be joined in one action, it shall be lawful for the courts wherein the same may be prosecuted, to order the several suits to be consolidated into one, if in their discretion it shall seem to them meet and proper so to do.

Specification
required in
judgments
by confes-
sion.

VIII. *And be it further enacted*, That from and after the first day of September next, in all cases of judgments by confession entered up, on warrant of attorney, in or out of term, the plaintiff or his attorney, shall at the time of filing the record of judgment, put on file, signed by him or his attorney, a particular statement and specification of the nature and consideration of the debt or demand on which such judgment is confessed; and in case such demand shall arise on note, bond or other specialty, such statement or specification shall particularly set forth the origin and consideration of the same; and if the fairness or validity of such judgment shall afterwards be drawn in question, the party making such specification shall be bound and concluded thereby, and shall not be allowed thereafter to set up or insist on any consideration for such judgment not mentioned and contained in such statement and specification; and if the plaintiff in any such judgment shall omit to file such statement or specification, such judgment shall be taken, deemed and adjudged fraudulent as respects any other bona fide judgment creditors, and every bona fide purchaser for valuable consideration of any lands bound or affected by such judgment.

Omission
renders judg-
ment frau-
dulent.

Folios in
pleadings
how to be
taxed and
the power of
the taxing
officers.

IX. *And be it further enacted*, That the officer who shall tax any bill of costs in the supreme court, shall have discretionary power, at the instance of the party to be charged with such bill, to strike out of the same, and to disallow all charges for a folio in a declaration or plea, which in his judgment shall have been unnecessarily inserted, and all charges for services which in his judgment are not necessary to be performed, and also to disallow all charges in the folio in the declaration for more than two counts for any one cause of action; and in general it shall be the duty of the taxing officer in the several courts of law in this state, to examine the bills of costs by them taxed, and to be satisfactorily informed that such bills of costs are correct and legal, whether the taxation be opposed or not.

X. *And be it further enacted*, That bills of costs in the several courts of common pleas and mayor's courts in this state, in

the several cases following, shall be taxed, exclusive of sheriff's fees and other necessary disbursements, as follows, to wit: in cases of judgments on confession in suits brought and depending in the said courts, if before the same are noticed for trial, at not exceeding the sum of ten dollars and fifty cents; in judgments by default, in debt, at a sum not exceeding ten dollars; in judgments, on assessments by the clerk, at a sum not exceeding thirteen dollars and fifty cents; in judgments wherein writs of enquiry shall be executed before the sheriff, at a sum not exceeding sixteen dollars.

Costs in common pleas and mayors courts in certain cases regulated.

XI. *And be it further enacted*, That in all cases in the several courts of common pleas and mayors' court in this state, not specially mentioned in the next preceding section, nor otherwise limited by law, the costs shall be taxed, and records signed by the first judge, or any other judge being of the degree of counsellor at law in the supreme court, or recorder only; and in case the first judge or recorder shall be absent from the city or county, then by the clerks of the several cities or counties of this state, who shall receive therefor the same fees as are allowed by law for like services.

Costs and records by whom taxed and signed in said courts.

XII. *And be it further enacted*, That it shall not be lawful for any clerk of any city or county, or for any sheriff, to exact or receive any costs or fees for any prospective services, or for any services or disbursements not actually performed or made; and it shall be the duty of any sheriff, if required by the defendant or his attorney, on the settlement of any execution, to have his fees thereon taxed by some proper officer, authorized by law to tax costs in the supreme court or the court of common pleas.

Clerks and sheriffs fees regulated in certain cases.

XIII. *And be it further enacted*, That no clerk of the supreme court, circuit court or sittings, or of the court of common pleas or mayor's court, shall hereafter receive any greater fee than six cents for filing a declaration or other pleading, judgment record, affidavit or other proceeding in a cause, a plea and notice thereto annexed, being considered as one pleading; nor any greater fee than fifty cents for every report on assessment of damages, on any reference made to such clerk; nor more than twelve and a half cents for signing any judgment record; nor more than twelve and a half cents for sealing any writ; nor shall any clerk of any court of common pleas or mayor's court, hereafter receive for a venire or execution and seal more than twenty-five cents; nor more than twelve and a half cents for entering any recognizance of bail on record; and the fee heretofore allowed to the clerks of the several courts for reading papers on the trial of causes is hereby abolished.

Fees of the clerks of the supreme court and other courts limited in certain cases.

XIV. *And be it further enacted*, That no sheriff shall hereafter exact or receive any more than fifty cents for summoning a jury and returning a venire in the supreme court or court of common pleas; or more than one dollar for drawing and executing a deed on the sale of any real estate by execution, and then only when such deed shall actually be drawn by him; nor for serving any writ of scire facias any other or greater fees than he would be entitled to by law for serving a writ of capias ad respondendum, except the sum of fifty cents for each summoner; and when there shall be several executions in the hands of any sheriff against the same defendant at

Sheriff's fees in certain cases.

the time of any advertisement of the property of such defendant for sale, there shall be charged but one advertising fee, as allowed by law : *And further*, that there shall not be allowed hereafter to any sheriff any greater fees than three dollars for executing and returning a writ of inquiry, one half of which shall be paid to the jury on such inquiry.

Clerks of the supreme court &c. to receive common pleas costs in certain cases.

XV. *And be it further enacted*, That in all actions in the supreme court in which the plaintiff is entitled by law to recover only common pleas costs, the respective clerks of the supreme court and of the circuit courts and sittings, and the several sheriffs in this state, shall not exact or receive any other or greater fees than are allowed by law for the like services done and performed in the court of common pleas.

Judgments by confession for 500 dollars and under, costs to 10 dollars taxable and no more, and no cost if for 50 dollars.

XVI. *And be it further enacted*, That upon judgments by confession, hereafter to be entered into the supreme court by virtue of a warrant of attorney, and the condition of the obligation, with the interest on the sum actually due, shall not exceed five hundred dollars, no more costs shall be recovered against the defendants, including plaintiff's and defendant's costs, than ten dollars; and upon any judgment by confession hereafter to be entered in any court of common pleas, by virtue of a warrant of attorney, and the condition of the obligation, with the interest on the sum actually due shall not exceed fifty dollars, no costs shall be recovered of the defendant; but when the sum actually due exceeds fifty dollars, no more costs shall be recovered against the defendant, including both plaintiff's and defendant's cost, than ten dollars.

Extortion of attorneys, clerks and sheriffs how punishable.

XVII. *And be it further enacted*, That any attorney, clerk or sheriff, who shall exact or knowingly receive any other or greater fees than are allowed by law, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by fine or imprisonment, or both, at the discretion of the court in which such conviction shall be had : *Provided*, That such fine shall not exceed one hundred dollars, and such imprisonment the term of six months.

Proviso.

A certain section repealed.

XVIII. *And be it further enacted*, That the ninth section of the act, entitled "an act concerning counsellors, attorneys and solicitors," passed April 2, 1813, be and the same is hereby repealed.

Fees allowed for recording deeds &c.

XIX. *And be it further enacted*, That the clerks of the several counties of this state, shall not, after the passage of this act, receive any other or greater fees for recording deeds, wills and codicils, and the proof thereof required by law, or the power to sell in mortgages more than twelve cents for each sheet containing one hundred and twenty-eight words; and for copies thereof, when required, six cents for every sheet of one hundred and twenty-eight words.

CHAP. CCLX.

AN ACT for the relief of Jeremiah Ryan.

Passed April 21, 1818.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly*, That the treasurer, on the warrant

of the Comptroller, pay to Jeremiah Ryan, a revolutionary soldier, the sum of one hundred dollars annually, during his natural life, as a bounty for his revolutionary services, to commence on the first day of January last.

CHAP. CCLXI.

AN ACT to amend an act, entitled "*an act to facilitate the intercourse between the western part of this state and the city of New-York.*"

Passed April 21, 1818.

I. *Be it enacted by the People of the State of New-York, represented in senate and assembly,* That it shall and may be lawful for the commissioners, or managers, of the Milford and Owego road lottery to draw the said lottery within the city of New-York, any law of this state to the contrary notwithstanding.

Milford and Owego road lottery may be drawn in New-York.

II. *And be it further enacted,* That the time prescribed in and by the seventh section of the act, entitled "*an act relative to the managers of lotteries,*" after the drawing of each lottery, to exhibit to the comptroller a statement of the prizes, signed by them respectively, and remaining unpaid, and for paying the amount of such prizes into the treasury, shall be and hereby is extended, to four months after the completion of the drawing of each lottery, any thing in the said seventh section to the contrary notwithstanding.

Time to exhibit statement to Comptroller extended.

CHAP. CCLXII.

AN ACT to enable certain aliens to purchase, take, hold and convey real estate.

Passed April 21, 1818.

Be it enacted by the People of the State of New-York, represented in senate and assembly, That Thomas Benton, of the city of New-York, and William Benton, of the same place, cordwainers; James Cook, of the same place, innkeeper; Charles G. Smedberg, of the same place, merchant; Samuel I. Tobias, of the same place, merchant; Joshua Naar, of the same place, tobaccoist; Edward Canning, of the same place, merchant; William John Coffee, of the same place; Matthew Gleason, of the city of Albany; George Brouner Holmes, of Brooklyn, in the county of Kings; Archibald M. Lucas, of the same place; Henry Smilchelar, of Hempsted, in the county of Rockland; James Davidge and Richard Messiter, of the town of Liberty, in the county of Sullivan; William Abernethy and Abel Arnethy, of the county of Dutchess; John Mackey, of the town of Hector, in the county of Tompkins; James Gibbs, of Ulysses, in the said county of Tompkins; Patrick Somerville Stewart, of Le Ray, in the county of Jefferson; George Ewart, William Ewart, Michael Johnson, Thomas Gamble, James Crosset,

T. Benton and others, aliens, authorized to purchase, &c. real estate.

Samuel Burnside, John McDougall, Andrew Patton, of Ontario; John Kenney, James Hoff, Alexander McGregor, junior, Michael Kearney, George Lacy, Alexander Smith, Elizabeth Robertson, Edward P. Page, Patrick Ferrol, Thomas Jordan, William Pirrell, John O. B. Richards, Andrew Patterson, of Clinton, in the county Dutchess; Samuel Sharpe, Rene Andre Pardessus, of New-York; Donald Cameron, Dugald Cameron, junior, Allan Stewart, William Smith, James Walker, James Walker, junior, Robert Walker and Alexander Walker, of the county of Steuben; Thomas O'Neill, Thomas Wilson and Matilda his wife, James Russell and William Harrison, of the city of New-York; Edward Meillinger, of the county of Orange and James Skanklin, of the town of New-Windsor, in the same county and Henry Roth, of the county of Essex, shall be and they are hereby respectively enabled to take real estate, within this state, either by descent or purchase, and to hold the same, and dispose thereof, in the like manner as natural born citizens: and that the title to any lands, tenements or hereditaments, heretofore purchased or acquired, as aforesaid, by any of the above named persons, shall not be impeached or defeated by reason of his or their alienage, but the same is hereby vested in every such person, his heirs and assigns, in like manner as if he had been a natural born citizen: *Provided*, that in case any of the aforesaid persons shall, at the expiration of six years after the passing of this act, be alive, and not naturalized according to the existing laws of the United States, all the lands which he may then hold by virtue of this act, shall be vested in the people of this state, in the same manner as if this act had not been passed.

Revised.
1818

CHAP. CCLXIII.

AN ACT to incorporate the Warsaw and Lake Erie turnpike company.

Passed April 21, 1818.

Corporation
created.

I. Be it enacted by the people of the state of New-York, represented in senate and assembly. That Elizur Webster, Samuel Mowharter, Simeon Cummings, Chauncey L. Sheldon and Almon Stevens, and all such other persons as shall associate, for the purpose of making a good and sufficient turnpike road, to begin at the Genesee river, between the town of Genesee, in the county of Ontario, and the town Leicester, in the county Genesee, and running from thence through the towns of Leicester, Perry, Orangeville and the old town of Sheldon. in the county of Genesee, and the towns of Wilkink and Hamburg, in the county of Niagara, on the most eligible route to lake Erie, and their successors, be and are hereby created a body corporate and politic, by the name and style of the president, directors and company of the Warsaw and lake Erie turnpike company; and they are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, and by that name, they and their successors, may have continual succession, and be persons, in law capable of suing and being sued,

Style.

pleading and being impleaded answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, complaints, matters and causes; and by that name and style, shall be in law capable of purchasing, holding and enjoying any estate, real and personal, for the use of the corporation: *Provided*, that such estate, as well real as personal, so to be purchased and held, shall be necessary to fulfill the end and intent of the said corporation, and for no other purposes whatsoever.

II. *And be it further enacted*, That the stock of said company shall consist of three thousand shares, of twenty dollars each, and that Almon Stevens, Samuel McWhorter and Mahew Safford, be and they are hereby appointed commissioners to receive subscriptions for said stock, in the manner directed in and by the act, entitled "an act relating to turnpike companies," passed the 13th day of March, 1807.

III. *And be it further enacted*, That as soon as the road hereby authorised shall be completed, and license obtained in the manner specified in the act above referred to, it shall be lawful for the said president, directors and company to exact and receive of and from all persons travelling on or using said road, at the gates to be erected on said road, the following sums of money, and so in proportion for any greater or less distance, to wit: for every score of hogs or sheep, six cents; for every score of cattle, horses or mules, twenty cents; for every chair, sulky or chaise, with one horse, twelve cents; for every horse rode four cents; for every led or driven horse, two cents; for every chariot, coach, coachee or phaeton, twenty-five cents; for every cart or waggon drawn by one horse, six cents; for every stage waggon or other four wheel carriage drawn by two horses, mules or oxen, twelve and a half cents, and three cents for every additional horse, mule or ox; for every sleigh or sled six cents, if drawn by two horses, mules or oxen, and in like proportion if drawn by a greater or less number of horses, mules or oxen.

IV. *And be it further enacted*. That Isaac Wilson, Richard Smith and Samuel Wilkinson, or any two of them, be and are hereby appointed commissioners to lay out and establish said road.

V. *And be it further enacted* That the said company hereby incorporated shall have and enjoy all the rights, privileges, powers and immunities which are given and granted, in and by the aforesaid act, entitled "an act relating to turnpike companies," and shall be subject to all the conditions, provisions, restrictions and regulations in said act.

CHAP. CCLXIV.

AN ACT for establishing and regulating a ferry across lake Champlain in the town of Plattsburgh.

Passed April 21, 1818.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly*, That it shall and may be lawful for

J. Parsons, jun. to establish a ferry.

Jeremiah Parsons, junr. of the town of Plattsburgh in the county of Clinton, his heirs and assigns, to set up, keep and maintain a ferry across lake Champlain, from the landing place of the said Jeremiah Parsons, junr. on point La Roache, in the town of Plattsburgh, to the south end of the north hero, in the state of Vermont, at or near what is called Stoddards bay, for and during the term of ten years, from and after the passing of this act.

Term.

Deck, or
landing place
to be con-
structed.

II. *And be it further enacted*, That the said Jeremiah Parsons, junr. his heirs or assigns, shall erect and prepare or cause to be erected and prepared and continued in good repair during the continuance of this act, a convenient deck or landing place, on such part of the land of the said Jeremiah Parsons, Junr. at point La Roache, as shall be most suitable for the purpose, and shall, during the continuance of this act, keep support and maintain a good and sufficient ferry boat, capable of conveying four horses, and such other boats or skiffs as shall be necessary, and shall be ready at all reasonable times and seasons, to transport across said lake, persons, goods and chattels.

Ferry-boat
required.

Com. Pleas
to establish
rates of fer-
riage.

III. *And be it further enacted*, That the court of common pleas of the county of Clinton, at their next session after the passing of this act, and as often thereafter as they shall deem necessary, shall order, direct and determine the several rates of ferriage for crossing at the said ferry, and the hours in each day that the boats of said ferry shall be kept in readiness.

Penalty for
hindrance
delay, refusal
or extortion.

IV. *And be it further enacted*, That if the said Jeremiah Parsons, junr. his heirs or assigns, during the continuance of this act, and the time limited by the said court, for the said boats to be kept in readiness to cross, shall unnecessarily hinder or retard any person in crossing at the said ferry, or shall refuse or neglect to cross with any person, or such goods or chattels as can be conveniently transported across the said ferry, or if the said Jeremiah Parsons, junr. his heirs or assigns, or any person employed by him or them, shall take, exact or receive any greater or higher rates of ferriage for transporting persons, goods or chattels, or other things whatsoever, than shall be by the court of common pleas aforesaid, limited or established, the person so offending, shall for every such offence, forfeit and pay the sum of ten dollars, to be recovered with costs in any court having cognizance thereof, by any person who shall sue for the same.

Penalty for
violating J.
Parsons's
rights under
this act.

V. *And be it further enacted*, That if any person or persons, other than the said Jeremiah Parsons, junr. his heirs or assigns, shall, after the said Jeremiah Parsons, junr. shall have furnished and provided himself with the necessary boats aforesaid, and whilst the same are continued, and the said court shall have determined on the rates of ferriage, transport any person or persons, goods or chattels across the said lake, between Gravelly point, on the south on what is called Cumberland head, and what is called Manley's creek on the north, such person or persons shall for every such offence, forfeit and pay the sum of five dollars, to be recovered with costs, in any court having cognizance thereof, by any person who shall sue for the same : *Provided always*, that nothing herein contained

Provided.

shall be so construed as to prevent any person or persons from carrying or transporting themselves, their goods, chattles or effects within the limits aforesaid, without paying any ferriage therefor.

VI. *And be it further enacted*, That if it shall at any time appear to the said court, upon sufficient evidence, that the said Jeremiah Parsons, junr. his heirs or assigns shall refuse or neglect to comply with the true intent and meaning of this act, in keeping and maintaining the said ferry, it shall and may be lawful for the said court to adjudge and determine that the said Jeremiah Parsons, junr. his heirs and assigns have forfeited all right under this act, and thereupon this act shall cease and become void and of no force or effect whatsoever.

This act to
cease in a
certain case.

CHAP. CCLXV.

AN ACT *modifying the act, entitled "an act to extend the jurisdiction of justices of the peace, as it respects the city of New-York, and for other purposes."*

Passed April 21, 1818.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly*, That it shall and may be lawful for any one of the justices of the justices court in and for the city and county of New-York, to hold the justices court of the city of New-York, and shall have power to hear, try and determine all causes, and to make all rules and orders in any cause in the said court in the same manner as if two of the said justices were present.

One justice
authorised to
hold a court
in N. York.

II. *And be it further enacted*, That nothing contained in the act, entitled "an act to extend the jurisdiction of justices of the peace," shall in any way affect the justices court in and for the city of New-York: *And further*, that the assistant justices in the city of New-York, shall have the like jurisdiction and powers, and receive the like fees as justices of the peace.

A certain act
not to apply
in N. York,
and powers of
assistant jus-
tices.

III. *And be it further enacted*, That in every case where an execution to be issued by virtue of the act to extend the jurisdiction of justices of the peace, shall be delivered to the sheriff, it shall command the said sheriff to levy the same of the goods and chattels, lands and tenements of the defendant, and make sale thereof according to law; and provided goods and chattels, lands and tenements whereon to levy sufficient to satisfy the said execution cannot be found within forty five days from the time of issuing the said execution, then the said sheriff shall be commanded, after the expiration of the said forty five days and not sooner, (unless after diligent search no goods or chattels, lands and tenements can be found whereon to levy) to take the body of the said defendant and commit him to the gaol of the county, there to remain until discharged by due course of law: *Provided*, that when it shall be made to appear by evidence on oath, to the satisfaction of the justice who rendered the said judgment, and he shall certify the same to the clerk of the county, that there is good reason to believe that the said defendant will abscond from the county, unless the execu-

Execution to
sheriff how to
issue under
that act.

Provide

tion shall, in the first instance, be against the property and body of the defendant, the said execution shall be issued according to the tenor of the tenth section of the act to extend the jurisdiction of justices of the peace.

Suits may be brought in a town, &c. adjoining where parties reside

IV. *And be it further enacted*, That all actions brought before any justice of the peace by virtue of the act, entitled "an act to extend the jurisdiction of justices of the peace," and the act, entitled "an act for the recovery of debts to the value of twenty five dollars may be brought in any town, village or city next adjoining, as well as that in which the plaintiff or defendant shall reside.

CHAP. CCLXVI.

AN ACT *to revive and continue in force an act, entitled "an act relative to the pilots of the port of New-York."*

Passed April 21, 1818.

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That the act, entitled "an act relative to the pilots of the port of New-York," passed the tenth day of April, in the year one thousand eight hundred and thirteen, be and the same is hereby revived and continued in force until the first day of April, in the year one thousand eight hundred and twenty: *Provided*, that British vessels coming directly from any port or ports in Great Britain or Ireland, shall not, during the existence of the present treaty between the United States and the United Kingdom of Great Britain and Ireland, be subject to pay any other or greater fees than the vessels of the United States, under and by virtue of the act hereby revived.

CHAP. CCLXVII.

AN ACT *authorising the transfer of certain mortgages from the loan officers of Ulster county to the loan officers of Orange county.*

Passed April 21, 1818.

Certain mortgages transferred.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly*, That it shall be the duty of the old loan officers of the county of Ulster, to deliver over to the old loan officers of the county of Orange, all the mortgages they may have taken as such loan officers, and which remain unpaid on lands now situate in the county of Orange, taking duplicate receipts therefor; and the monies due or to grow due on the said mortgages shall hereafter be payable to the said old loan officers of the county of Orange, who shall have the like powers in respect to the said mortgages, and the collection of the monies due thereon, as the said loan officers of Ulster county had; and the new loan officers of the said county of Ulster shall, in like manner, deliver to the new loan officers of the county of Orange, all the mortgages in their hands,

as such loan officers, on lands situate in the said county of Orange, taking duplicate receipts therefor; and the monies due or to grow due on the said mortgages shall, thereafter, be payable to the said new loan officers of the county of Orange, who shall have the like powers in respect to the said mortgages, and the collection of the monies due thereon, as the said new loan officers of the county of Ulster heretofore have had; and the said receipts shall be transmitted to the comptroller, in order that the debts and credits which may be required in consequence of the said transfer of mortgages from the county of Ulster to the county of Orange may be made in the books of his office.

II. *And be it further enacted*, That the said old and new loan officers of Orange county, respectively, shall be accountable for the said mortgages to be delivered to them, as provided in the first section of this act, in the same manner as they are accountable to those now in their hands: *Provided always*, that nothing in this act contained shall be construed to exonerate that part of the said county of Orange which has been set off from the county of Ulster and annexed to the county of Orange, from liability to pay its proportion of losses which may accrue on loans made by the said loan officers prior to the said setting off and annexation to the said county of Orange.

Old and new loan officers accountable, and how, &c.

Proviso.

CHAP. CCLXVIII.

AN ACT appointing commissioners to decide certain disputes between the counties of Ulster and Sullivan, and for other purposes.

Passed April 21, 1818.

WHEREAS the commissioners appointed pursuant to the act, entitled "an act erecting a part of the county of Ulster into a separate county by the name of Sullivan, and for other purposes, did on the twenty fifth day of December, one thousand eight hundred and eleven, pursuant to the directions of the said act, complete an adjustment and settlement of all the accounts and apportionment of all monies of the said counties: *And whereas*, by the said settlement it was agreed, that the comptroller of this state, after paying a certain sum of money to the treasurer of the county of Ulster, out of the avails of certain arrears of taxes on land lying in Sullivan, should pay the residue to the treasurer of the county of Sullivan, which agreement was ratified by the supervisors of the said counties respectively: *And whereas*, disputes have arisen concerning the settlement and payment of the said arrears of taxes by the comptroller to the said county of Ulster, whereby the supervisors of the county of Sullivan alleged they are injured: Therefore,

Preamble.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly*, That Archibald M'Intyre, Hermanus Bleeker and Henry T. Jones of the city of Albany, be and they are hereby appointed commissioners, whose duty it shall be to settle and adjust the said disputes, and to make such award in

Commissioners appointed to adjust certain disputes.

the premises as to them shall appear just and equitable; and the determination of the said commissioners, or any two of them, being certified in writing under their hands and seals, or the hands and seals of any two of them, shall be conclusive and binding as well on the part of the county of Ulster, as on the part of the county of Sullivan; and it shall be the duty of the said commissioners to state and set forth particularly in their said certificate, the sum or sums, if any, to be paid by either of the said counties to the other; duplicates of which certificate shall be delivered to the clerks of the boards of supervisors of the said counties respectively.

Compensation to commissioners.

II. *And be it further enacted*, That the said commissioners shall be entitled to receive as a compensation for their services at and after the rate of five dollars per day, for each and every day they shall be employed as aforesaid, to be paid in the first instance by the prevailing party; which sum, together with such costs and charges of the said proceedings under this act, as they or any two of them shall deem and adjudge to be reasonable and proper to be paid by either of the said parties to the other, shall be stated, certified and set forth in their said award and become a part thereof.

Sums awarded how collected and paid.

III. *And be it further enacted*, That it shall be the duty of the supervisors of the county of Ulster, and they are hereby required, at their first annual meeting after service as aforesaid, of the said certificate in the first section of this act mentioned, to levy, assess and collect of and upon the freeholders and inhabitants of the said county of Ulster, all such sums of money as shall be certified by the said commissioners, to be paid by the said county to the county of Sullivan, together with interest; which sum, with the interest to the time of payment, shall be paid by the treasurer of Ulster to the order of the treasurer of Sullivan county, on or before the fifteenth day of February thereafter.

Duty of supervisors of Sullivan, in respect to raising certain monies.

IV. *And be it further enacted*, That it shall be the duty of the supervisors of the county of Sullivan, and they are hereby required, at their first annual meeting after service aforesaid, of the said certificate in the first section of this act mentioned, to levy, assess and collect of and from the freeholders and inhabitants of the said county of Sullivan, all such sums of money as shall be certified by the said commissioners to be paid by the said county to the county of Ulster; together with interest, which sum, with the interest to the time of payment, shall be paid by the treasurer of Sullivan to the order of the treasurer of Ulster county, on or before the fifteenth day of February thereafter.

Notice of meeting of commissioners.

V. *And be it further enacted*, That fourteen days notice of the time and place of meeting of the said commissioners shall be given in writing to the clerks of the supervisors of the said counties respectively, or to their counsel.

Subpoenas & witnesses' fees.

VI. *And be it further enacted*, That it shall and may be lawful for any justice of the peace of this state, to issue subpoenas to compel the attendance of witnesses before the said commissioners appointed by this act, which witnesses shall be entitled to receive the same fees, and be subject to the like penalties, as are prescribed in

the act, entitled "an act for the amendment of the law and the better advancement of justice."

VII. *And be it further enacted*, That it shall and may be lawful for the supervisors of the county of Ulster, at any time before the fifteenth day of May next, to pay or tender to the treasurer of Sullivan, in money or in bank bills current at the several incorporated banks of the middle district, such sum as they shall deem to be the balance due to the county of Sullivan; which tender shall have the same operation and effect as a tender made before action brought in any suit in the supreme court of this state, and no other: *Provided however*, that if the said tender shall be refused by the treasurer of Sullivan, the said sum shall within ten days thereafter be deposited in one of the incorporated banks of Orange county, subject to the order of the treasurer of Sullivan, which deposit shall operate in like manner as a payment into court of the said sum of money in an action in the supreme court in ordinary cases, and shall be so considered by the said commissioners.

Supervisors of Ulster may tender certain monies in bills.

Proviso.

VIII. *And be it further enacted*, That the said commissioners shall not proceed to hear or determine the said matter in controversy previous to the twentieth day of July next.

Commissioners not to hear, &c. before July 20, 1818.
Loan to G. Flowers extended.

IX. *And be it further enacted*, That the loans made to George Flowers, under and by virtue of the act, entitled "an act authorising the comptroller to loan monies belonging to the school fund, and for other purposes," shall be and hereby is extended until the first day of June, one thousand eight hundred and twenty three: *Provided*, that this act is upon the express condition, that satisfactory evidence of the sufficiency of the security on which the said loans were made, shall be furnished to the comptroller on or before the first day of June next.

Proviso.

CHAP. CCLXIX.

AN ACT relative to the issuing of process.

Passed April 21, 1818.

WHEREAS an evil has grown out of the law making the issuing of process in all cases the commencement of the suit, as it affords an opportunity for designing men to escape from the operations of justice under cover of the law: Therefore,

Preamble.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly*, That in all cases where a summons shall be issued, if the defendant shall prove to the satisfaction of any justice of the peace, that he has a demand against the plaintiff, and that he is about to depart from the county, it shall be the duty of the said justice to issue a warrant directed to any constable of the county, commanding him to apprehend the said plaintiff and bring him forthwith before him for trial; and said justice shall proceed to hear, try and determine such cause as if no such summons had been issued.

Warrant when to issue in certain cases.

Commence-
ment of suit.

II. *And be it further enacted*, That in all cases where a warrant shall be issued, the suit shall not be considered as commenced until the actual service of such warrant.

CHAP. CCLXX.

AN ACT *for the relief of certain volunteers and militia called in to service for the defence of the frontiers of the state in the late war, and for other purposes.*

Passed April 21, 1818.

Duty of com-
missary gen-
eral in audit-
ing certain
accounts.

I. *Be it enacted by the people of the state of New-York, repre- sented in senate and assembly*, That the commissary general is hereby authorised and required to audit and settle the accounts properly chargeable to the state of New York, for the services and contingent expenses of the volunteers and militia of said state, called out for its defence during the late war; and that he make a report of the amount which he finds to be due to each and every claimant, at the next session of the legislature.

To examine
also certain
claims.

II. *And be it further enacted*, That the said commissary general examine the claims of certain persons for certain arms alledged to have been pressed or taken into service and lost by the militia and volunteers in the service of the state; and that he make a report of the amount which he finds to be due to each and every claimant at the next session of the legislature.

CHAP. CCLXXI.

AN ACT *to establish the place of holding courts in the county of Cattaraugus, and for other purposes.*

Passed April 21, 1818.

Courts where
to be held.

I. *Be it enacted by the people of the state of New York, repre- sented in senate and assembly*, That all courts of common pleas and general sessions of the peace, hereafter to be holden in and for the county of Cattaraugus be held at the house of Baker Leonard, in the village of Ellicottville, in the town of Ischua, in said county, until a court house suitable for the holding said courts shall have been erected; and the supervisors of said county at their next annual meeting are hereby authorised and directed to designate the site for a court house and jail, in the said village of Ellicottville, any thing in any law to the contrary notwithstanding.

Duty of su-
pervisors.

II. *And be it further enacted*, That the said supervisors, or a majority of them, are hereby authorised at their said next annual meeting, to cause to be levied on the freeholders and inhabitants of the said county of Cattaraugus, a sum not exceeding fifteen hundred dollars, for building a court house in said county, with the addition of five cents on a dollar for collecting the same, which said monies

shall be levied and collected in the same manner as other contingent charges of said county are levied and collected.

CHAP. CCLXXII.

AN ACT to amend an act, entitled "an act directing circuit courts to be held in the counties of Oneida and Dutchess, and for other purposes."

Passed April 21, 1818.

Be it enacted by the people of the state of New-York, represented in senate and assembly, That it shall and may be lawful for the justices of the supreme court, as often as they shall appoint circuit courts and courts of oyer and terminer to be held in the county of Oneida, between the August and January terms of the supreme court, to order the same to be held at such place in the said county as they may deem proper, any thing in the act hereby amended to the contrary notwithstanding.

Circuit courts
&c. in Oneida

Whereas the Legislature have, by concurrent resolutions, at the present session, directed the commissioners of the land office to cause the title of this state to all the escheated lands in the military tract to be asserted and prosecuted to judgment: And whereas the proceedings in the premises would be greatly simplified and accelerated, and the expences thereof reduced, by altering the mode of proceedings now required by law in similar cases, without giving any preference to the state injurious of the rights of individuals: Therefore,

Be it further enacted, That it shall be lawful to try the title of this state to said lands in the said resolutions mentioned, by actions of ejectment to be brought for the recovery thereof, in which actions the judgment and proceedings shall in all respects be similar to those in other actions of ejectment, as the same are now used in the supreme court of this state: And further, that final judgment, when obtained in said actions or any of them, shall have the like effect upon the title, and be of similar force with the judgment upon a traverse of an inquisition mentioned in the fourth section of the act, entitled "an act concerning escheats," passed the 25th February, 1813, any law, custom or usage to the contrary notwithstanding: Provided however, that no suit which may be instituted in virtue of this act, shall be brought to trial where the lands are occupied, nor shall judgment be taken therein, where the said lands are vacant, until three months notice shall have been published, by order of the commissioners of the land office, in the paper printed by the printer to this state, and also in one public newspaper printed in the city of New-York, and also in one paper printed in the county where the lands lay, or in the adjoining county where there is no paper printed in the said county, stating in the said notice the proceedings which have been had for the recovery of the said lands, and giving a description of the same.

Title of this
state to es-
cheated lands
how tried.

Effect of
judgments

Proviso.

CHAP. CCLXXIII.

AN ACT for establishing and regulating a ferry across the Crooked lake, in the county of Steuben.

Passed April 21, 1818.

I. Kingsbury to establish a ferry.

I. Be it enacted by the people of the state of New-York, represented in senate and assembly, That it shall and may be lawful for Isaac Kingsbury, his heirs and assigns, to set up, keep and maintain a ferry across the Crooked lake, in Steuben county, from a place called Hickory point, in the town of Pulteney, to the place on the east side of said lake, where said Kingsbury lately resided, for and during the term of ten years, commencing on the first day of May next.

To keep a sufficient boat, &c.

II. And be it further enacted, That the said Isaac shall, during the time aforesaid, keep and maintain a sufficient boat, capable of conveying four horses, and such other boats as shall be necessary to transport persons, goods and chattels.

Common pleas to establish rates of ferrage.

III. And be it further enacted, That the court of common pleas for Steuben county, at their next session, and as often thereafter as said court shall deem necessary, shall order and determine the several rates of said ferry, and the hours in each day that the boat or boats shall be kept in readiness.

When this act declared void.

IV. And be it further enacted, That if it shall appear to the said court that the said Kingsbury, his heirs or assigns, shall wilfully neglect to comply with the true intent of this act, it shall be lawful for the said court to adjudge that all the privileges granted under this act shall cease.

CHAP. CCLXXIV.

AN ACT to alter the time of holding town meetings in the town of Pompey, in the county of Onondaga.

Passed April 21, 1818.

Be it enacted by the People of the State of New-York, represented in senate and assembly, That the town meetings hereafter to be holden in the town of Pompey, shall be held on the second Tuesday of March annually, and all such town officers whose duty it was to meet on the last Tuesday of March, shall meet on the first Tuesday of said month, to do and transact such business as to their respective offices may appertain.

CHAP. CCLXXV.

AN ACT for the payment of certain officers of government.

Passed April 21, 1818.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly,* That the treasurer pay on the warrant of the comptroller, to each of the several clergy who shall have attended the legislature as chaplains, during the present session of the legislature, the sum of two dollars and fifty cents for every day they may have so attended, and that the number of days each shall have attended shall be certified by the president of the Senate or the Speaker of the Assembly.

Compensation to chaplains.

II. *And be it further enacted,* That the treasurer shall pay, on the warrant of the comptroller, to the president of the Senate and Speaker of the house of Assembly, the sum of one dollar and fifty cents per day for each day's attendance in their respective stations; to each member of the Senate and Assembly the sum of one dollar per day, for each day's travel and attendance in the legislature; to the clerks of the Senate and Assembly, and to their respective deputies, and to the sergeants at arms and doorkeeper of the Senate and Assembly, the sum of one dollar for each day's attendance on the legislature, in addition to the compensation allowed them respectively in an act, entitled "an act for the support of government."

To president and members of senate; speaker and members of assembly, their clerks and deputies.

III. *And be it further enacted,* That the clerk of the Senate and the clerk of the Assembly shall each be allowed and paid by the treasurer, on the warrant of the comptroller, the sum of four dollars per day for an additional assistant employed by each of them during the present session, and each the sum of fifty dollars for making indexes to the journals of the present session.

To additional assistants for making indexes.

IV. *And be it further enacted,* That Aaron Clark, prelate and make out a correct index to the journals belonging to this house which have no index; and that the comptroller draw his warrant on the treasurer for such sum in favor of said Aaron Clark for such indexes, as he may deem reasonable, not exceeding fifty dollars for the index to the journals of any one year.

A Clerk to prepare certain indexes.

V. *And be it further enacted,* That the treasurer pay, on the warrant of the comptroller, to Myndert M. Dox, a member elect from the county of Seneca, the like pay and allowance for travel and attendance, as a members of the present session of the legislature, to be computed up to the day of the rejection of the last resolution in the house of Assembly for his admission to his seat.

M. M. Dox to be paid a certain sum.

VI. *And be it further enacted,* That Aaron Clark provide a number of copies of those journals of the Senate and Assembly, not exceeding four copies of any one journal, which are not now in possession of the Assembly, and that the comptroller draw his warrant on the treasurer for such sum as shall be reasonable and proper for the expence of providing the same.

A. Clark to provide certain copies of journals.

VII. *And be it further enacted,* That the treasurer, on the warrant of the comptroller, pay to Aaron Clark the sum of four hun-

Monies paid for carpet.

dred and forty one dollars and forty eight cents, being the amount expended by him during the late recess of the legislature, for carpet for the Assembly chamber and its adjoining bar, as appears by the original bills of purchases.

To H. Allen
for attend-
ance as a wit-
ness.

VIII. *And be it further enacted*, That the treasurer pay, on the warrant of the comptroller, to Henry Allen, such sum as shall be audited to him by the comptroller, as a compensation for his attendance as a witness before the committee of privileges and elections of the house of Assembly, on the contested election between John White and John Richards, in the year one thousand eight hundred and fourteen, for a seat in the Assembly, and who attended on the part of the sitting member, and did not receive his compensation under the seventh section of the supply bill of that year on account of a mistake in his name.

To the cor-
poration of
New-York.

IX. *And be it further enacted*, That the treasurer shall pay, on the warrant of the comptroller, to the mayor, aldermen and commonalty of the city of New-York, the sum of two thousand and fifty-one dollars and forty seven cents, being the amount assessed upon the arsenal lot in said city, by the commissioners appointed by the supreme court, for the purpose of opening and improving Collect, Walker, Pump and Rynders street.

Incidental
expenses of
government.

X. *And be it further enacted*, That the treasurer pay, on the warrant of the comptroller, to the person administering the government of this state, to defray the incidental expenses of administering the same, a sum not exceeding seven hundred and fifty dollars: *Provided*, that he shall account with the comptroller therefor.

Rent and
taxes of gov-
ernor's house.

XI. *And be it further enacted*, That that the treasurer, on the warrant of the comptroller, shall pay from time to time, as the same shall become due, the rent and taxes of the house occupied as a residence in the city of Albany, by the Governor of this state.

R. Macomb
clerk oyer
and terminer,
&c.

XII. *And be it further enacted*, That the treasurer shall, on the warrant of the comptroller, pay to Robert Macomb, the balance which may be due on his account for services as clerk of the courts of oyer and terminer and general gaol delivery and general sessions of the peace in and for the city and county of New-York, as the same shall be audited and allowed by the court of exchequer.

J. Harnden
for certain
services, &c.

XIII. *And be it further enacted*, That it shall be the duty of the comptroller, with the advice and assistance of the attorney general, to examine and audit the account of Joshua Harnden, for services done and monies expended by him at the request of the attorney general, in defending a certain suit of ejectment on land which had been sold by the commissioners of forfeiture; and it shall be the duty of the comptroller to draw his warrant on the treasurer of this state for the sum which shall be found justly due to the said Joshua Harnden, for the services and expenditures as aforesaid, and the treasurer is hereby directed to pay the same, on the warrant of the comptroller, out of any monies in the treasury not otherwise appropriated.

Superintend-
ant of com-
mon schools.

XIV. *And be it further enacted*, That in addition to the sum now allowed by law to the superintendant of common schools, the treasurer shall, on the warrant of the comptroller, pay the said su-

perintendent three hundred dollars, out of any money in the treasury not otherwise appropriated.

V. *And be it further enacted*, That there shall be allowed annually to the comptroller of this state, in addition to his present compensation, five hundred dollars, which shall be in lieu of all office fees. Comptroller.

XVI. *And be it further enacted*, That the treasurer, on the warrant of the comptroller, pay to Thomas Donnelly, late sergeant at arms of the house of Assembly, thirty three dollars, seventy five cents, in full of his account for travelling to the seat of government from his place of residence, and for his attendance one day as sergeant at arms to the said house of Assembly. T. Donnelly.

XVII. *And be it further enacted*, That the doorkeeper of the council of Revision and council of Appointment, shall be entitled for each day employed in the duties of his station, to the same compensation as is allowed by law to the doorkeepers of the Senate and Assembly, and to be audited and paid in like manner. Door keeper of councils of revision and appointments.

CHAP. CCLXXVI.

AN ACT for the establishing of a public library at the seat of government.

Passed April 21, 1818:

I. *Be it enacted by the People of the State of New York, represented in Senate and Assembly*, That the governor, lieutenant governor, chancellor and chief justice of the supreme court, for the time being, shall constitute a board of trustees, whose duty it shall be to cause to be fitted up some proper room in the capitol, for the purpose of keeping therein a public library for the use of the government and people of this state; and that it shall be the duty of the said trustees to cause to be expended the money appropriated by this act, or which may be hereafter appropriated, in fitting up of such room, and in the purchase of such books, maps and other literary publications for the use of the said library as they may deem expedient. Board of trustees constituted and their powers.

II. *And be it further enacted*, That the said trustees shall have power from time to time to appoint some proper person to superintend and take care of the said library, and shall prescribe such rules and regulations for the government of the same as they shall think proper; and the said librarian shall receive such compensation for his services as the said trustees shall allow: *Provided however*, that the said trustees shall by their by-laws to be established for the regulation of the said library, provide among other things, that no book, map or other publication shall be at any time taken out of the library for any purpose whatever. To appoint a librarian, establish rules, &c.
 Provided.

III. *And be it further enacted*, That for the purposes of carrying this act into effect, there be and hereby is appropriated the sum of three thousand dollars, and also the further annual sum of five hundred dollars; which said several sums shall be paid out of any Appropriation for support of institution.

monies in the treasury not otherwise appropriated, on the warrant of the comptroller.

CHAP. CCLXXVII.

AN ACT *act to amend the act, entitled "an act to prevent unjust imprisonment, by securing the benefit of the writ of habeas corpus."*

Passed April 21, 1818.

Preamble.

WHEREAS doubts are entertained whether the act, entitled "an act to prevent unjust imprisonment by securing the benefit of the writ of habeas corpus," extends to all cases of illegal imprisonment, restraint or detainer: *And whereas*, doubts are also entertained whether returns made to writs of habeas corpus, issued under the said act are traverseable, or examinable by facts *dehors* the return: *And whereas*, the said act is defective in not conferring adequate and summary powers on those officers who are thereby authorised to allow the same in vacation time, to enforce obedience thereto: to remove such doubts, and to secure the personal liberty of the citizen from violation or oppression: Therefore,

Benefit of writ of habeas corpus extended to certain cases.

I. Be it enacted by the people of the state of New-York, represented in senate and assembly, That the several provisions made in the above recited act, for awarding writs of habeas corpus, shall in like manner extend to all cases where any person, not being committed or detained for any criminal or supposed criminal matter, nor in execution by legal process, shall be confined, or restrained of his, her or their liberty, under any color or pretence whatsoever.

Penalties for not allowing same.

II. And be it further enacted, That upon oath made by such person so confined or restrained, or by any other person, on his or her behalf, of any actual confinement or restraint, and that such confinement or restraint, to the best of the knowledge and belief of such person so applying, is not by virtue of any commitment or detainer for any criminal or supposed criminal matter, and not by legal process of execution, an habeas corpus directed to the person or persons so confining the party, shall be granted and allowed in the same manner, and under the same penalties, as are provided and imposed in and by the said act; and the chancellor, judge or other officer, before whom the party shall be brought on habeas corpus, allowed in vacation time, may and shall, within three days after return made to any such habeas corpus, proceed to examine into the facts contained in such return, and into the cause of such confinement and restraint, and thereupon, either discharge, or bail, or remand the party so brought, as the case shall require, and as to justice shall appertain; and that in all cases of imprisonment, whether upon commitment for any criminal or supposed criminal matter or not, the chancellor, judge or other officer, before whom any person may be brought on habeas corpus in vacation time, shall and may in like manner, and within the like time, examine into the facts contained

Within what time facts to be examined into.

in such return, and into the cause of such imprisonment, and in the same manner either discharge, or bail, or remand the party so brought, as the case shall require, and as to justice shall appertain: *Provided*, that such person shall be remanded, if it shall appear unto the chancellor, judge or other officer, that he is a convict in execution, or is detained in execution by legal civil process, or for a contempt, especially and plainly charged in the commitment, by some court having authority to commit for contempts, unless the power and authority of such court shall have expired and ceased.

III. *And be it further enacted*, That the act hereby amended shall, as respects the penalties for not returning writs of habeas corpus and the remedy therefor, be deemed and taken to apply and extend to the cases provided for by this act.

IV. *And be it further enacted*, That if any person served with a writ of habeas corpus which shall have been duly allowed and issued, requiring such person to bring the body of any person in his custody, before the chancellor, judge or other officer allowing the same in vacation time, shall neglect or refuse to obey the same, and it shall be satisfactorily shewn upon oath made, that such person intends to elude a return to, and compliance with such writ, by withdrawing out of the jurisdiction of this state with the party in whose behalf such writ shall be issued and awarded, then and in such case it shall be the duty of the chancellor, judge or other officer, who allowed such writ, or in his absence, of any other officer having the like power and authority to allow the same, forthwith to issue an attachment under his hand and seal, against such person so about to elude such writ, directed to the sheriff of any county in this state commanding him or them forthwith to apprehend such person, and him or her to bring immediately before such chancellor, judge or other officer; and on such persons being brought, to commit him or her to close custody, in the goal of such city or county, until he or she shall make return to such writ of habeas corpus, and comply with and obey the order of the person granting such attachment, in relation to the person confined or restrained: and it shall and may be lawful for the said chancellor, judge or other officer, issuing the said attachment, at the same time, under his hand and seal, to command the said sheriff forthwith to bring before him the body of the person for whose benefit such writ of habeas corpus shall have been allowed, who shall therefrom remain in the custody of the said sheriff, until he or she be discharged, bailed or remanded, as the said chancellor, judge or other officer, shall order and direct: and it shall be lawful for such sheriff, to whom such writ of attachment shall be delivered for service, to call to his aid, if necessary, the power of his county to assist him in the execution of the same; and all persons warned to assist, and having no legal excuse, are hereby declared guilty of a misdemeanor, and on conviction thereof shall be subject to fine and imprisonment, or either, in the discretion of the court having cognizance of such offence.

V. *And be it further enacted*, That any person or persons who shall knowingly and intentionally, aid and assist any other person

Proviso.

Penalties for not returning habeas corpus.

Attachment may be issued in vacation.

Party also to be brought up by warrant.

Power conferred may be required.

Penalty for assisting party to leave the state, &c.

or persons to whom any writ of habeas corpus, duly allowed and issued, shall be directed, in escaping and withdrawing from the jurisdiction of this state with the party for whose benefit such writ shall be allowed and issued, with intent to evade the service of such writ, or to elude a return thereto, in case the same shall have been served, shall be deemed guilty of a misdemeanor, and shall be punished by fine or imprisonment, or both, in the discretion of the court having cognizance thereof: *Provided*, such fine shall not exceed one thousand dollars, and the time of such imprisonment shall not exceed six months.

Proviso.

CHAP. CCLXXVIII.

AN ACT in addition to an act "to amend an act, entitled" an act relative to the improvement of the navigation of the Hudson's river."

Passed April 21, 1818.

Treasurer to pay certain expenses.

I. *Be it enacted by the People of the State of New-York, represented in Senate and assembly*, That the treasurer of this state, shall on the warrant of the comptroller, pay to the commissioners appointed in and by the act entitled "an act to amend the act, entitled" an act relative to the improvement of the navigation of Hudson's river," passed March 8th, 1818, the amount of the principal and interest of the balance unexpended of former appropriations made for improving the navigation of Hudson's river, from the city of Albany to the overslaugh at Coeymans, which said amount shall be paid from time to time as the same or any part thereof may become necessary to be expended in further improving the said navigation, repairing the dams or works already constructed, and shall be so applied by the said commissioners: *Provided*, that the said commissioners shall, previous to the receipt of any part of the said amount, execute to the comptroller, for the use of the people of this state, in the lieu of the security heretofore given by them, their bond with such sureties as the comptroller shall require, in double the amount above directed to be paid to them, conditioned for the faithful application of the same, and to render, on or before the first day of January next, a just and true account to the comptroller, of all monies received and expended by them in pursuance of this act.

Proviso.

How reimbursed.

II. *And be it further enacted*, That the amount authorised to be paid by the preceeding section of this act, shall be reimbursed out of the proceeds of the securities taken or to be taken for the recovery or repayment of the said unexpended balances, and which are hereby appropriated for that purpose.

Executive to appoint a person to superintend, &c.

III. *And be it further enacted*, That it shall be the duty of the person administering the government of this state, from time to time, to appoint some fit person to superintend the execution of the plan or works necessary for improving the said navigation, and for repairing dams already constructed, who shall be entitled to receive from the said commissioners, as a compensation for his services, such

same as the person administering the government of this state shall deem necessary and proper.

IV. *And be it further enacted*, That in case Benjamin Sanford shall offer to convey or cause to be conveyed, lands within this state to the people of this state, in payment of a certain bond and mortgage, executed on the twentieth day of December, one thousand eight hundred and fourteen, by the said Benjamin Sanford to Hugh Boyd, James La Grange and Gilbert Stewart, who were then commissioners to improve the navigation of the Hudson river below the city of Albany, and which bond and mortgage were afterwards transferred by the said commissioners to the people of this state, it shall be lawful for the surveyor general and attorney general to accept of such conveyance and to discharge the bond and mortgage: *Provided*, that the attorney general shall first be satisfied that the title to the lands so to be conveyed is valid, and that the lands are free and clear from incumbrances: *And provided also*, that the said lands shall only be taken in payment of said bond and mortgage, at what they may be appraised to be worth, under oath of appraisers to be appointed by the surveyor general.

Certain mortgaged premises may be conveyed to this state.

Provided,

Further provision.

V. *And be it further enacted*, That if any lands shall be conveyed to this state, agreeably to the last preceding section of this act, the lands so conveyed shall and may be sold by the surveyor general, on the same terms and conditions as are prescribed for the sale of the unappropriated lands of this state, but not at a less price however than what may be allowed therefor, on account of said bond and mortgage; and the proceeds of the lands so to be sold, as the same may come into the treasury, shall form a part of and belong to the fund by this act appropriated for the improvement of the navigation of the Hudson river, between the city of Troy and Coeymans overslaugh.

The said land to be sold by surveyor general.

VI. *And be it further enacted*, That the said commissioners shall be and they are hereby authorised to pay to John Van Schaick, such sum or sums of money not exceeding three hundred dollars, as the comptroller shall certify to have been expended in obtaining certain surveys of the said river, in the years one thousand eight hundred and seventeen, and one thousand eight hundred and eighteen, from Troy to Coeymans overslaugh, out of any monies which shall come into the hands of the said commissioners by virtue of this act.

Commissioners to pay J. Van Schaick not exceeding 300 dollars.

VII. *And be it further enacted*, That it shall be lawful for the comptroller to credit Joseph Alexander and others, commissioners appointed in and by the act, entitled "an act to improve the navigation of Hudson river, between the villages of Lansingburgh and Troy," passed first of March, in the year one thousand seven hundred and ninety-nine, the sum of three hundred and eighty-seven dollars and fifty cents, for interest paid by them on money borrowed, in anticipation of the monies raised by lottery and committed to their charge, to be expended in improving the said navigation.

J. Alexander and others commissioners, &c. to be credited 387 dollars and 50 cents.

CHAP. CCLXXXIX.

AN ACT directing the Surveyor General to examine and report in relation to the public lands set apart for the use of the salt works in the county of Onondaga, and for other purposes.

Passed April 21, 1818.

WHEREAS sundry persons have presented their petition, praying for the passage of a law, directing the sale of the public lands in the town of Salina, in the county of Onondaga, And whereas, this legislature are not sufficiently informed on the subject, Therefore,

Be it enacted by the people of the state of New-York, represented in senate and assembly, That the Surveyor General examine into the state and condition of the public lands, situated in the town of Salina, in the county of Onondaga, which were set apart for the use of the salt springs, and report to the legislature at their next session, whether it would be expedient and conducive to the interest of this state, to cause a sale to be made of all or any part of the aforesaid lands; and that he also examine the outlet of the Salt lake, and report whether any alteration should be made in the channel of the outlet, and if any, in what manner the same should be made.

CHAP. CCLXXX.

AN ACT to amend an act, entitled "an act to amend an act, entitled "an act to divide the town of Brownville, in the county of Jefferson.

Passed April 21, 1818.

WHEREAS by the act passed March the sixth, in the year one thousand eight hundred and eighteen, to divide the town of Brownville, in the county of Jefferson, certain duties are required to be performed on and after the third Tuesday in March next, whereas it ought to have expressed March instant, by reason of which mistake, said duties are postponed for one year: Therefore,

BE it enacted by the people of the State of New-York, represented in Senate and assembly, That the duties designated in the first, third and fourth sections of the act aforesaid, to be performed on and after the third Tuesday in March next, be and they are hereby required to be performed as soon as may be after the third Tuesday in May next.

CHAP. CCLXXXI.

AN ACT further to amend the several acts relative to quit rents

Passed April 21, 1818.

Duty of
comptroller.

I. Be it enacted by the people of the state of New-York, represented in senate and assembly, That the comptroller be, and he is here-

by authorised, in all cases where there shall be due any quit rents to the people of this state; to settle and commute for such quit rents, by receiving from any person or persons, owning any lands subject to such rents, his or their equal proportion of the same, having regard to the quantity of land owned by such person or persons, and the proportion it shall bear to the quantity of land contained in the patent or patents, wherein such quit rents are reserved.

II. *And be it further enacted*, That it shall be the duty of any person applying to the comptroller to settle and commute for quit rents, by virtue of the several acts hereby amended, or of this act, to furnish to the comptroller such evidence as he shall require, of the quantity of land contained in the patent wherein the quit rent, proposed to be settled and commuted for, shall be reserved, and of the land owned by the person or persons so proposing to settle and commute for the same.

Quantity of land to be proved.

III. *And be it further enacted*, That the first clause of the fourth section of the act, entitled "an act directing the redemption of the lands lately sold for quit rents, and further to amend the act relative to quit rents," passed the twelfth day of April, in the year thousand eight hundred and sixteen, be and the same is hereby continued in force until the first day of May, in the year of our Lord one thousand eight hundred and twenty.

Certain clause continued in force.

CHAP. CCLXXXII.

AN ACT to improve the funds and to provide for the redemption of the funded debt of this state.

Passed April 21, 1818.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly*, That it shall be the duty of the comptroller of this state, with the consent and approbation of the person administering the government thereof, to sell and transfer the three per cent. stock of the funded debt of the United States, owned by the people of this state, and to apply the proceeds to the reduction of the funded debt of this state, bearing seven per cent. interest.

Comptroller to sell certain 3 per cent stock of the U. S. and how to apply proceeds.

II. *And be it further enacted*, That it shall be lawful for the comptroller to borrow on the credit of this state, a sum or sums not exceeding in the whole one million of dollars, at a rate of interest not exceeding six per centum per annum, payable quarter yearly, and for this purpose, at his discretion, to open subscriptions for said loan, or to receive sealed proposals therefor, or for any part thereof, giving due notice of such subscriptions being opened, or of proposals to be received, in at least three of the public newspapers published in the city of New-York, and in at least one of those published in the city of Albany; and the subscriptions, offers or proposals of the holders of the present funded debt of the state, shall have a preference over the subscriptions or proposals of others, to the extent of the sums now held by them of state stocks, by this act proposed to

To borrow 1,000,000 dollars at 6 per cent.

To open subscriptions for the loan or receive sealed proposals.

Certain holders of stock to have preference.

Exting.

be paid: *Provided*, that nothing herein contained shall be construed to give them a preference over the subscriptions or proposals of others, which may be more advantageous to the state, and with the monies so loaned, and the unappropriated monies which may be in the treasury, the comptroller shall discharge the residue of the funded debt of this state.

Gov. to appoint a cashier of a bank in New-York to issue certificates of stock.

Declared transferable.

Substance of certificate.

Principal is redeemable until 1833.

List of stockholders.

Interest on the stock how payable.

Banks may subscribe to the stock.

The state will in five years after 1833, and on request of any stockholder redeem his stock.

III. *And be it further enacted*, That the person administering the government of this state, be any, he is hereby authorised to appoint the cashier of one of the banks in the city of New-York, whose duty it shall be under his hand and an appropriate seal, to issue certificates of stock to the subscribers or contractors for said loan, for the amounts to which they shall be respectively entitled; and the said stock shall be transferable only at the office of the person so to be appointed, agreeably to the rules which may be prescribed by the comptroller; and such certificates shall purport in substance as follows: that the people of the state of New-York, owe to the person or body corporate to be named therein, the sum therein expressed, bearing an interest at the rate of six per centum per annum, payable quarter yearly, on the first days of the months of January, April, July and October, and the principal to be irredeemable until the first day of January, in the year one thousand eight hundred and twenty-three; and it shall also be the duty of the person to be appointed, to enter in proper books to be provided for the purpose, credits to the respective holders of stock, for the sums to which they will be respectively entitled, to transfer the said credits or any part thereof, from time to time as shall be requisite, and to furnish such bank in the city of New-York quarter yearly, at least three days before the said first days of January, April, July and October, with a list of the stockholders resident in the southern district of this state, and out of the state, shewing the sums which they may respectively be entitled to receive on the said first days of January, April, July and October, for interest, and to furnish the comptroller a like list of the stockholders resident in the middle eastern and western districts of this state, shewing the sums that they may be respectively entitled to for interest, and no transfers shall be made during the last fourteen days of each quarter.

IV. *And be it further enacted*, That the interest on the said stock, shall be paid to the stockholders respectively, in the manner in which the same hath heretofore been paid, under the act entitled "an act to create a public and transferable stock, and to lay and collect additional taxes for the use of this state."

V. *And be it further enacted*, That it shall be lawful for any bank within this state, to subscribe to the loan directed to be opened as aforesaid, and from time to time to sell and dispose of any stock created in pursuance of this act, and held by such bank, any clause, matter or thing in the act incorporating the same notwithstanding.

VI. *And be it further enacted*, That at any time within five years after the said first day of January, in the year one thousand eight hundred and twenty-three, this state will upon the request of the holder of any stock created pursuant to this act, redeem the same, and that the whole of the said stock shall at all events be redeemed at the expiration of the said five years.

VII. *And be it further enacted*, That in case the present stock debt of this state shall be discharged as contemplated by this act, a tax of one mill upon each dollar of the valuation of the real and personal estates within this state, shall be annually, for two years, raised, levied and collected in the manner directed in and by the act, entitled "an act authorising the levying and collecting an annual tax for two years, for the use of this state, and to amend the act for the assessment and collection of taxes," passed the 24th October, 1814.

A tax of one mill on the dollar when and how to be raised.

VIII. *And be it further enacted*, That the time for the payment of the debt due from the bank of New-York to this state, be and the same is hereby extended to the said first day of January, in the year one thousand eight hundred and twenty-three, upon condition that the interest shall be regularly paid thereon, quarter yearly, and the balance which may then be due from the said bank, or so much thereof as be necessary, together with four hundred thousand acres of the unappropriated lands of this state, are hereby appropriated and pledged for the redemption of the principal of the stock created by this act: *Provided nevertheless*, that the state reserve to itself the right of providing other adequate funds in lieu of those hereby pledged.

Time of payment of debt due the state by the bank of New-York extended.

Balance due how appropriated.

Providing.

IX. *And be it further enacted*, That it shall be the duty of the comptroller, from time to time, whenever there shall be any unappropriated money in the treasury, to apply the same to the purchase of the stock, created pursuant to this act, if the same can be had at or below the par or nominal value, and if not, then to apply such money to the reduction of the debt due to the bank of New-York.

Comptroller to apply unappropriated monies to purchase stock, &c.

X. *And be it further enacted*, That it shall be the duty of the comptroller of this state, from time to time, after the said first day of January, in the year one thousand eight hundred and twenty-three, with the funds provided for the purpose, and with any unappropriated monies which may be in the treasury, to discharge the stock debt which may be created pursuant to this act, as soon as practicable.

To discharge the stock debt within a certain period.

XI. *And be it further enacted*, That that the comptroller, be and he is hereby authorised to draw his warrants on the treasurer, for the payment of the expense of the certificates of stock, to be issued pursuant to this act, and for the expense of necessary books and stationary, to be used for the transfer of state stocks.

Certificates, books and stationary how paid for.

XII. *And be it further enacted*, That the powers and duties of the person to be appointed as aforesaid, for issuing certificates of stock, and for attending to and keeping the accounts of the transfers thereof, shall also extend to the stock created or to be created pursuant to the act, entitled "an act respecting navigable communications between the great western and northern lakes and the atlantic ocean," passed the 15th April, 1817.

Certain powers and duties of the person issuing the stock extended to the act of April 15, 1817.

XIII. *And be it further enacted*, That in case the present stock debt of this state shall be discharged as contemplated by this act, that the tax of two mills on the dollar of the valuations of the real and personal estates within this state, directed to be annually raised in and by the act, entitled "an act to create a public and transfer-

Tax of two mills on the dollar when to cease.

able stock stock, and to lay and collect additional taxes for the use of this state," shall cease and be discontinued.

A list of stockholders to be furnished comptroller.

XIV. *And be it further enacted*, That the person so as aforesaid to be appointed to issue certificates of stock, shall annually on the first day of January, or as soon thereafter as may be; transmit by mail to the comptroller a list of the stockholders, shewing the sums held by them respectively of said stock.

Comptroller may dispose of bank stock.

XV. *And be it further enacted*, That it shall be lawful for the comptroller, by and with the advice of the governor, from time to time to dispose of any of the bank stock owned by the people of this state, and with the proceeds of the sales thereof, to purchase the stock created by this act, or to apply the same to the payment of the loans obtained from the bank of New-York, in the same manner that he is directed to apply the surplus or unappropriated monies in the treasury.

State deposits may be made in such bank in New-York as may loan 1,000,000 dollars to the state.

XVI. *And be it further enacted*, That if any bank in the city of New-York shall make the loan of one million of dollars contemplated by this act, on terms which shall be more advantageous to the state than it can otherwise be obtained, on condition that a part or the whole of the treasury deposits collected in the city of New-York shall be transferred to such bank, it shall be lawful for the comptroller, with the advice of the governor, to direct the said deposits to be made in such bank.

CHAP. CCLXXXIII.

AN ACT to amend an act, entitled "*an act relative to district attorneys.*"

Passed April 21, 1818.

A district attorney for each county to be appointed.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly*, That the person administering the government of this state, shall, as soon as may be after the passing of this act, by and with the advice of the council of appointment, appoint and commission a proper person to the office of district attorney, in each of the counties of this state, who shall enter on the duties of his office on the first day of July next; each of whom shall be of the degree of counsel in the supreme court, and resident in the county for which he shall be appointed; and it shall be the duty of the several district attorneys to attend the courts of oyer and terminer and gaol delivery, and general sessions of the peace, to be from time to time held within the counties for which they are or shall be appointed respectively, and to conduct all prosecutions for crimes and offences cognizable in the said courts; and the commission hereafter to be issued to each district attorney, shall designate the name of the county for which he shall be so appointed.

Duty of district attorney of Franklin.

II. *And be it further enacted*, That it shall be the duty of the district attorney for the county of Franklin to perform all the duties now required by law of the district attorney of the fifth district, relative to the St. Regis Indians.

III. *And be it further enacted*, That from and after the first day of July next, the first section of the act, entitled "an act relative to district attorneys," shall be and the same is hereby repealed. Former act repealed.

IV. *And be it further enacted*, That if there shall be any county within this state, in which there shall reside no person of the degree of counsellor at law in the supreme court, or where no district attorney shall have been appointed, it shall be lawful for any court of oyer and terminer and gaol delivery or general sessions of the peace, to appoint some person from time to time to transact the business of district attorney, during the then sitting of such court; and the person so appointed shall be entitled to the same compensation for the services he shall perform, as any district attorney appointed by virtue of this act, and his account shall be audited and paid in like manner as the accounts of district attorneys are audited and paid. Provision where no district attorney shall reside.

V. *And be it further enacted*, That no travel fees shall be allowed to any district attorney appointed pursuant to this act. Travelling fees abolished.

VI. *And be it further enacted*, That the compensation which is allowed by law to the said district attorneys shall be paid by the respective counties, for which the said district attorneys shall be appointed, and that their accounts, to be taxed by any officer authorized to tax costs in the supreme court, shall be allowed by the supervisors of the said counties respectively, and the amount thereof assessed and collected as part of the contingent expences of said county. Supervisors of each county to pay the fees of its district attorneys

VII. *And be it further enacted*, That all fines and recognizances which may be imposed and forfeited in any of the counties within this state, shall be collected by the district attorneys thereof, and paid to the county treasurer for the use of the county. Fines, &c. to be collected by district attorneys.

VIII. *And be it further enacted*, That the courts of common pleas of the several counties within this state, of which the first or presiding judge shall always be one, for the purposes herein expressed, shall possess the like powers relative to the collection and remission of fines and forfeited recognizances, as are by law for that purpose vested in the court of exchequer. Common pleas may remit &c. fines

IX. *And be it further enacted*, That no district attorney shall exact, demand or receive or be allowed any greater or other fee or reward for the services herein specified, than after the rate following, to wit: for drawing every indictment actually agreed to by the grand jury, at any court of oyer and terminer and gaol delivery and general sessions of the peace, nineteen cents for every folio containing ninety words, and for engrossing, twelve and a half cents per folio; but no allowance to be made for any indictment which shall be quashed, or upon which the judgment is arrested by reason of its insufficiency. Every bench warrant actually and necessarily issued to bring in a defendant, twenty five cents, but no allowance to be made for more than one warrant on every indictment against several defendants, who reside in the same county, nor a second warrant upon the same indictment, unless the previous warrant shall have been duly returned, not served, after a reasonable time for the service thereof shall have been allowed, arguing the matter where the defendant shall submit, one dollar and twenty five cents, but no Allowance for certain services by district attorneys.

allowance to be made, unless the same is in fact argued. Every subpoena actually issued, twenty five cents, but no allowance to be made for more than one subpoena for each witness on any one indictment.

CHAP. CCLXXXIV.

AN ACT for the relief the President, Directors and Company of the Hillsdale and Chatham turnpike road.

Passed April 21, 1818.

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the president, directors and company of the Hillsdale and Chatham turnpike road, to execute, under their seal, a release to the people of this state of all their right and title in and to all that part of the said road, commencing at the intersection thereof with the Rensselaer and Columbia turnpike road, and extending from thence southerly the distance of five miles and no more, and to cause such release to be entered of record, in the book of deeds kept by the clerks of the counties of Columbia and Rensselaer respectively, and that from and immediately after the entry of such release, the said president, directors and company shall be released from all responsibility and liability to keep that part of the said road so released in good order and repair, and that all that part of the said road so released, shall thenceforth be deemed and considered a public highway, to be kept in repair, and subject to such regulations and alterations as the other highways within this state: *Provided however,* that such release shall contain a clause releasing the right of said company to erect the additional toll gate authorised by the tenth section of their act of incorporation: *And provided further,* that nothing in this act contained, shall be construed to defeat or impair the right of said company, or to release them from the obligation imposed upon them by the said act of incorporation, as to the residue of the road authorised or directed to be made, improved and kept in repair, in and by the said act.

CHAP. CCLXXXV.

AN ACT in addition to an act, entitled "*an act declaring part of the outlet of Crooked Lake a public highway,*" passed March 24, 1809.

Passed April 21, 1818.

1. *Be it enacted by the people of the state of New-York, represented in senate and assembly,* That all that part of the outlet of Crooked lake, from Waggoner and Gilletts mill pond in the town of Benton, down to the falls of said outlet, in said town of Benton, be and the same is hereby declared a public highway.

A certain part of outlet declared a public highway.

II. *And be it further enacted* That the owner or owners of any mill or other dam or dams across said outlet, (or such part thereof as is hereby declared a public highway) shall, as soon as hereafter directed, so alter the same by making a slope or apron thereto on an angle of not more than forty-five degrees, planked in such manner, and of sufficient width as to afford a convenient passage for saw logs over such dam or dams; and in case the owner or owners of any such dam or dams, shall neglect to alter the same as aforesaid, within the time above mentioned, such owner or owners shall for each and every year that they shall neglect or refuse to comply as as aforesaid, forfeit and pay the sum of one hundred dollars, to be recovered with costs of suit, by any person who shall prosecute for the same, the one half to be paid to the overseers of the poor in the town or towns in which the offence shall have been committed, and the other half to the person prosecuting for the same.

Duty of owners of mills and dams:

Penalty for neglect.

III. *And be it further enacted*, That nothing herein contained shall be so construed as to prevent any person owning a mill seat or other privilege on said outlet from erecting a dam or dams across the same, provided such dam or dams shall be so constructed as not to interfere with the privileges intended to be given by this act.

IV. *And be it further enacted*, That if any person shall, after the passing of this act, so obstruct the navigation of said outlet, by the erection of any dam, or by falling timber across or into the same, the person so offending shall forfeit the sum of twenty-five dollars for every such offence, to be recovered with costs of suit, by any person who shall prosecute for the same, the one half to be paid to the overseers of the poor of the town in which the offence shall have been committed, the other half to the person prosecuting for the same.

Penalty for obstructing navigation.

V. *And be it further enacted*, That the person or persons who shall consider themselves aggrieved by any obstruction, for the want of an apron on any such dam or dams, that are now or shall hereafter be constructed on the said outlet, such owner or owners, on the application of such person or persons, shall, as soon as may be thereafter, so construct such apron as will admit the floating logs over the same, agreeable to the intentions of this act; and such owner or owners, so constructing their dam or dams as aforesaid, shall be entitled to receive from such person or persons, so applying for the building such apron, such reasonable expenses as the same shall cost, and necessary to be expended; and in case of any disagreement as to such expense between the parties, such accounts shall be attested by three commissioners, who shall be appointed by the court of common pleas, in and for the county of Ontario, and their decision shall be conclusive.

Duty of owners &c. in making aprons to their dams.

Accounts how adjusted.

CHAP. CCLXXXVI.

AN ACT to divide the town of Canaan, in the county of Columbia.

Passed April 21, 1818.

Town of
New-Leba-
non erected.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly,* That from and after the thirty-first day of March, in the year one thousand eight hundred and nineteen, all that part of the town of Canaan lying north of a line beginning on the eastern boundary line of said town, five miles and three quarters of a mile from the northern end thereof; thence running westerly until it intersects the division line between the towns of Canaan and Chatham, three miles and a half south of the northern boundary line of the said county of Columbia, shall be and hereby is erected into a separate town to be called by the name of New-Lebanon; and that the first town meeting shall be held at the dwelling house of Isaac Everest, in said town, on the first Tuesday in April next.

Canaan.

II. *And be it further enacted,* That all the remaining part of the town of Canaan shall be and remain a separate town, by the name of Canaan, and that the next town meeting shall be held at the dwelling-house of Ebenezer Southerland, in said town.

Poor and
money divi-
ded.

III. *And be it further enacted,* That as soon as may be after the first Tuesday in April next, the supervisors and oversees of the poor of the towns of New-Lebanon and Canaan, notice being first given for that purpose, shall meet together and divide the money and poor belonging to the town of Canaan previous to the division, agreeable to the last tax list, and that each of the said towns shall forever thereafter respectively maintain their own poor.

Town debts
of Canaan
now paid,

IV. *And be it further enacted,* That each of the said towns of Canaan and New-Lebanon, shall pay an equal half part of the public debts of the present town of Canaan.

CHAP. CCLXXXVII.

AN ACT for the relief of Charles Hatch.

Passed April 21, 1818.

WHEREAS, John Cochran, junior, on the first day of July, in the year of our Lord one thousand and eight hundred, obtained a grant by letters patent of lot number six, in a patent of land granted to Nathaniel Mallory and others, and in order to secure the payment of two hundred and ninety one dollars and twelve cents, with interest at six per cent. per annum, mortgaged the said lot of land to the people of the state of New York: *And whereas,* the said lot of land was stated in the said letters patent to contain three hundred and seventy-one acres and three quarters of an acre of land: *And whereas,* by an inspection of the boundaries and description of the said lot of land, as contained in the said letters patent, there appears to be

a mistake and deficiency of eighty-eight acres of land in the said lot: *And whereas*, the said Charles Hatch has, by his petition, represented that he has purchased of the said John Cochran, jun. the north end of the said lot of land, believing it contained two hundred and fifteen acres and three quarters of land, and agreed with the said John Cochran, jun. to pay to the people of this state the sum due to them for so much of the said lot; and that the said deficiency falls exclusively on him the said Charles Hatch: Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and assembly, That the comptroller, be and he is hereby authorised and required to endorse on the said mortgage of the said John Cochran, junior, the payment of sixty-six dollars, together with the interest thereon, at six per cent. from the date of the said mortgage, for the use and benefit of the said Charles Hatch.

CHAP. CCLXXXVIII.

AN ACT to cede the jurisdiction of certain lands on lake Ontario to the United States, and for other purposes.

Passed April 21, 1818.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly*, That the commissioners of the land office of this state, be and they are hereby authorised and required to cede to the United States, the title and jurisdiction of this state to so much land on the Galloo island on lake Ontario, within this state, as they shall deem necessary for the purpose of erecting a light house thereon: *Provided always*, that the tract of land so granted shall not exceed five acres: *And provided further*, that such cession shall not impede or prevent the execution of any process at law under the authority of this state, except against the real or personal property of the government of the United States.

Certain land on the Galloo island in lake Ontario ceded to the U. S.

Proviso.

Further proviso.

II. *And be it further enacted*, That that the property so ceded shall be, and hereafter is exonerated and discharged from any taxes which may be laid or imposed under the authority of the government of this state, while said land shall remain the property of the government of the United States, and while the same shall be appropriated to the purpose intended by this act, and not otherwise.

Land ceded not subject to any state tax.

III. *And be it further enacted*, That it shall be lawful for the person administering the government of this state, to appoint such person or persons to take charge of the fortifications belonging to this state at the narrows, as he may think proper; and that he may allow such compensation for the services and expenditures in the premises, of such person or persons, as he may think just, not exceeding in the whole at the rate of five hundred dollars per annum; which compensation shall be paid by the treasurer, on the warrant of the comptroller.

Gov. to direct the fortifications at the narrows to be taken in charge.

Compensation allowed.

IV. *And be it further enacted*, That that the treasurer, on the warrant of the comptroller, pay to the order of the person administering the government of this state, the sum of sixteen hundred and seventy dol-

1670 dollars appropriated for paying certain accounts.

lars and sixty-one cents, to be applied to the discharge of accounts to that amount, stated to be due from the commissioners of fortifications to sundry carpenters, masons, cartmen and laborers; and the said commissioners shall account with the comptroller for the expenditure of said money; and it shall be lawful for the comptroller, on the final settlement of the accounts of the commissioners of fortifications, to allow the expenses heretofore incurred by them for taking care of the fortifications at the narrows.

1200 dollars
appropriated
to pay expenses
under the
act of Feb.
10, 1818.

V. *And be it further enacted*, That the treasurer, on the warrant of the comptroller, pay to the person administering the government of this state, a sum or sums not exceeding fifteen hundred dollars for defraying the expenses which may be incurred in executing the act, entitled "an act respecting the settlement of the demands of this state against the United States," passed February 10th, 1818, including compensation to the agent appointed under said act; which compensation shall be determined by the person administering the government of this state, and an account of said expenses shall be examined and audited by him.

1200 dollars
appropriated
to pay expenses
under the
act of Feb.
27, 1818.

VI. *And be it further enacted*, That the treasurer, on the warrant of the comptroller, pay to the order of the person administering the government of this state, a sum or sums not exceeding one thousand dollars, to defray the expenses which may attend the carrying into effect the provisions of the act, entitled "an act of honor to the memory of general Montgomery," passed 27th February, 1818.

2000 dollars
appropriated
for commissary's
department, &c.

VII. *And be it further enacted*, That the sum of two thousand six hundred and eighty-five dollars, be and the same is hereby appropriated for the commissary's department, being the amount estimated by the commissary-general to be requisite to defray the expense of mounting field pieces, procuring caissons, harness and other necessary articles, directed to be mounted and procured by the person administering the government of this state, and for defraying the expense of removing to proper places of deposit the arms and other munitions of war, to be received from the United States, and the commissary-general shall account with the comptroller for said appropriation, or so much thereof as may be drawn out of the treasury.

Island point
in lake
Champlain
ceded to the
U. S.

VIII. *And be it further enacted*, That the commissioners of the land office of this state be, and they are hereby authorised and required to cede to the United States the title and jurisdiction of this state to the small island near Rouse's point, on lake Champlain, called Island Point; also to the land under water opposite the same; also to the land under water in the said lake, opposite to lots number sixty, sixty-one, sixty-two, sixty-three, sixty-four, sixty-five and sixty-six, adjoining the said Rouse's point, the title and jurisdiction of this state to which lots have heretofore been ceded to the United States; subject however, to the like provisions and restrictions as are contained in the first and second sections of this act.

Subject, &c.

CHAP. CCLXXXIX.

AN ACT for the relief of Hendrick Miller, and others.

Passed April 21, 1818.

Be it enacted by the people of the state of New-York, represented in senate and assembly, That all the right, title and interest of the people of this state, to the undivided moiety of the farm, whereof Anthony Stimmel died seised, situate in the town of Schaghticoke, in the county of Rensselaer, containing about one hundred and five acres of land, with the appurtenances, be and the same is hereby vested in Hendrick Miller, George Miller, William Miller and John Miller, the children and heirs at law of Hannah, the late wife of Anthony Stimmel, deceased, their heirs and assigns, as tenants in common: *Provided*, that nothing herein contained, shall be construed to prejudice the right or title of any other person, in and to the said premises.

CHAP. CCXC.

AN ACT relative to the supervisors of the county of Seneca.

Passed April 21, 1818.

Be it enacted by the people of the state of New-York, represented in senate and assembly, That the supervisors of the county of Seneca, shall be and they are hereby authorised and required, to direct to be levied on the freeholders and inhabitants of the said county, the sums authorized by law to be levied, for the building and completion of the court house and goal in said county, in two annual instalments, with interest from the passing of this act, in such proportions as they shall deem most expedient for the best interest of the county, and shall be allowed to hold extra meetings not to exceed three in any one year, for the purpose of performing their duties under this act, which meetings shall be notified to each member of the board by the clerk thereof, at the request of the last president, as to the time and place of holding them, ten days before the said meetings, unless such time and place as shall be agreed on at a previous meeting, and the commissioners appointed to superintend the said buildings, shall, before they receive from the treasurer of the said county any sum of money for the purpose aforesaid, give security, such as shall be approved by said supervisors, or a majority of them, for the faithful expenditure of the same: *And further*, that the plans and probable expense of the further erection and completion of said buildings, shall be submitted to the said board of supervisors at their usual meetings, and receive the approbation of said board, before the expenditures shall be applied by said commissioners.



I N D E X.

NOTE—In this Index, for the names of persons to whom relief has been granted, see **RELIEF**—to whom monies have been loaned, see **LOANS**—for new towns, &c. see **TOWNS ALTERED** and **TOWNS ERECTED**—The same of **VILLAGES**; and for *Roads, Highways, Turn-pikes, Bridges, Dams, Ferries, Insurance Companies, Churches, Courts, Schools, Societies, Banks and Loans*—see under their respective heads, without further reference.

The reader will also please to note the following *marks of reference*—*a*, refers to the thirty-ninth session of the laws—*b*, to the fortieth—and *c*, to the forty-first—the three sessions contained in this volume.

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